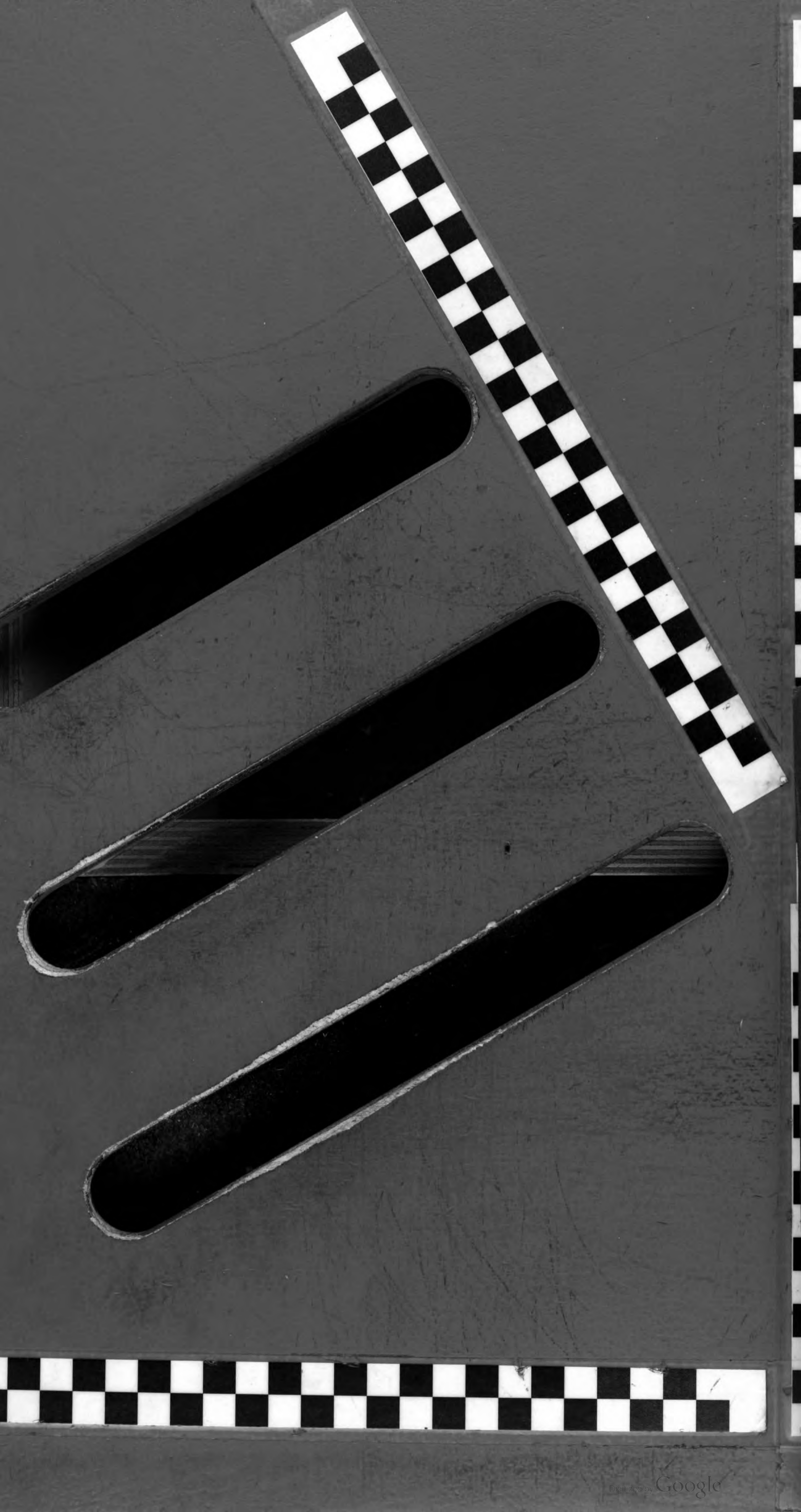


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ARTES SCIENTIA VERITAS

THE
PUBLIC GENERAL ACTS
AND CHURCH ASSEMBLY MEASURES
OF
1963

being those which received the Royal Assent in that year
having been passed in the Fourth or Fifth Session
of the Forty-second Parliament of the
United Kingdom of Great Britain and Northern Ireland
and during the Eleventh and Twelfth years
of the Reign of Her Majesty
QUEEN ELIZABETH THE SECOND
with
*Lists of the Public General and Local Acts and a
Table of the Effect of Legislation
and an Index*



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THE PUBLIC GENERAL STATUTES

1963 CHAPTER 1

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on 31st March 1963.
[28th February 1963]

Most Gracious Sovereign,

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

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom and apply towards making good the supply granted to Her Majesty for the service of the year ending on 31st March 1963 the sum of £59,818,000.

Issue of
£59,818,000
out of the
Consolidated Fund
for the service of
the year ending
31st March 1963.

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 £59,818,000.

Power for
the Treasury
to borrow.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than 31st March 1963, and section 6 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 1963.

Short title.

1963 CHAPTER 2*Betting, Gaming and Lotteries Act, 1963*

ARRANGEMENT OF SECTIONS

PART I

BETTING

General restrictions on betting

Section

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2. Restriction on bookmaking except under bookmaker's permit.
3. Agent of bookmaker or Totalisator Board to be authorised and registered.
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12. Horserace Totalisator Board.
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23. Power of entry on tracks.

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Section

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 Part I—Registration of societies.
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-

An Act to consolidate certain enactments relating to betting, gaming, lotteries and connected matters.
 [28th February 1963]

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

BETTING

General restrictions on betting

Restriction on use of premises for betting transactions with persons resorting thereto.

1.—(1) Subject to subsection (5) of this section and section 9 (1) of this Act, no person shall—

- (a) save as permitted by section 4 (1) of this Act, use any premises, or cause or knowingly permit any premises to be used, as a place where persons resorting thereto may effect pool betting transactions ; or
 (b) use, or cause or knowingly permit any other person to use, any premises for the purpose of the effecting of any other betting transactions by that person or, as the case may be, that other person with persons resorting to those premises ;

and every person who contravenes any of the provisions of this subsection shall be guilty of an offence :

Provided that paragraph (b) of this subsection shall not apply where both the person using the premises as mentioned in that paragraph and all the persons with whom the betting transactions so mentioned are effected—

- (i) either reside or work on those premises or on premises of which those premises form part ; or
 (ii) are, or are acting on behalf of, holders of bookmaker's permits which are for the time being in force.

(2) Any person who, for any purpose connected with the effecting of a betting transaction, resorts to any premises which are being used in contravention of the foregoing subsection shall be liable on summary conviction to a fine not exceeding fifty pounds.

(3) For the purposes of the last foregoing subsection, proof that any person was on any premises while they were being used as mentioned in that subsection shall be evidence that he resorted to the premises for such a purpose as is so mentioned unless he proves that he was on the premises for bona fide purposes which were not connected with the effecting of a betting transaction.

(4) The last foregoing subsection shall not apply to Scotland, but, in any proceedings in Scotland under subsection (2) of this section, if any person is proved to have been on any premises while they were being used as mentioned in the said subsection (2), that person shall be held to have resorted to the premises for such a purpose as is so mentioned unless he proves that he was on the premises for bona fide purposes which were not connected with the effecting of a betting transaction.

(5) Subsection (1) (b) of this section shall not apply—

- (a) to anything done on an approved horse racecourse on a day on which horse races but no other races take place thereon ;
- (b) subject to the next following subsection, to anything done on any track on any day on which under sections 5, 6 and 20 of this Act bookmaking may lawfully be carried on on the track.

(6) Nothing in subsection 5 (b) of this section shall affect the operation of subsection (1) (b) of this section in relation to the use on a track which is not an approved horse racecourse by a bookmaker for the purposes of his business—

- (a) of any permanent structure other than a structure used by him in common with members of the public resorting to the track ; or
- (b) of any position specially appropriated for the use of that particular bookmaker by, or by any person purporting to act on behalf of, the occupier of the track.

2.—(1) No person shall act as a bookmaker on his own account unless he is the holder of a permit authorising him so to act (in this Act referred to as a “bookmaker’s permit”) which is for the time being in force ; and if any person acts as a bookmaker in contravention of this subsection he shall be guilty of an offence: Restriction on book-making except under bookmaker’s permit.

Provided that this subsection shall not apply to the receiving or negotiating by a registered pool promoter of bets made by way of pool betting.

PART I

(2) Schedule 1 to this Act shall have effect for the purposes of bookmaker's permits.

(3) If the holder of a bookmaker's permit, on being required by a constable to produce his permit for examination, refuses or without reasonable cause fails so to do, he shall be liable on summary conviction to a fine not exceeding ten pounds.

Agent of bookmaker or Totalisator Board to be authorised and registered.

3.—(1) No person shall by way of business receive or negotiate bets as servant or agent to another bookmaker or to the Totalisator Board unless—

- (a) he has attained the age of twenty-one years ; and
- (b) he is authorised in that behalf in writing in the prescribed form by that other bookmaker or, as the case may be, by the said Board ; and
- (c) in the case of a person acting as servant or agent to another bookmaker, that other bookmaker is the holder of a bookmaker's permit or betting agency permit :

Provided that this subsection shall not apply to any person who is the holder of such a permit as aforesaid, or who receives or negotiates bets as aforesaid on premises occupied by the holder of such a permit or by the said Board.

(2) If any bet is received or negotiated by any person as servant or agent to another bookmaker or to the said Board in contravention of the foregoing subsection, both that person and that other bookmaker or, as the case may be, the Board shall be guilty of an offence.

(3) The said Board and every bookmaker who is the holder of a bookmaker's permit or betting agency permit shall keep a register in the prescribed form showing every person who is for the time being authorised for the purposes of subsection (1) of this section by that Board or, as the case may be, by that bookmaker, and shall not grant any such authorisation without making the appropriate entry in that register ; and if any person contravenes any of the requirements of this subsection he shall, in respect of each contravention, be guilty of an offence.

(4) If any person who holds any authority in writing issued for the purposes of subsection (1) of this section or who is required by subsection (3) of this section to keep a register, on being required by a constable to produce that authority or, as the case may be, register for examination, refuses or without reasonable cause fails so to do, he shall be guilty of an offence.

(5) Any person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding ten pounds or, in the case of offences under subsection (2) or subsection (3) of this section, on a second or any subsequent conviction under the same subsection, to a fine not exceeding fifty pounds.

(6) Nothing in this section shall apply to the receiving or negotiating by any person as servant or agent to a registered pool promoter of bets made by way of pool betting.

4.—(1) No pool betting business shall be carried on on any track except— Restriction of pool betting.

- (a) on an approved horse racecourse on a day on which horse races but no other races take place thereon, by the Totalisator Board or, with the authority of that Board, by the persons having the management of that racecourse ; or
- (b) on a dog racecourse which is a licensed track, by means of a totalisator operated in accordance with the provisions of section 16 of this Act by, or by a person authorised in that behalf in writing by, the occupier of the track ;

and every person who contravenes the provisions of this subsection shall be guilty of an offence :

Provided that nothing in this subsection shall prohibit a person from receiving or negotiating bets on an approved horse racecourse with a view to those bets being made by way of sponsored pool betting.

(2) No person shall carry on any pool betting business otherwise than on a track unless he is a registered pool promoter, that is to say, a person who is registered for the purpose and whose registration is for the time being in force ; and any person who carries on any business in contravention of this subsection shall be guilty of an offence :

Provided that this subsection shall not apply to sponsored pool betting business.

(3) Schedule 2 to this Act shall have effect for the purposes of the registration of a person as, and the conduct of his pool betting business by, a registered pool promoter.

5.—(1) Betting by way of bookmaking or by means of a totalisator shall not take place on any track— Restriction of betting on tracks.

- (a) on more than one hundred and four days in the same period of twelve months, being a period beginning with 1st July in any year ; or
- (b) on any Good Friday, Christmas Day or Sunday.

(2) If bookmaking is carried on, or a totalisator is operated, by any person on any track on a day on which betting on that track is prohibited by this section, that person, and, if that person is not the occupier of the track, that occupier also, shall be guilty of an offence :

Provided that where the occupier of a track is charged with an offence by reason of a contravention of this section on the

PART I

part of another person, it shall be a defence for him to prove that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it.

(3) Where facilities for pool betting provided on an approved horse racecourse by the Totalisator Board or, with the authority of that Board, by the persons having the management of that racecourse are provided otherwise than by means of a totalisator, subsections (1) and (2) of this section shall have effect as if the provision of those facilities were the operation of a totalisator by that Board or, as the case may be, by those persons.

Restriction
of book-
making on
tracks.

6.—(1) Except on an approved horse racecourse on a day on which that racecourse is used only for the purpose of horse races, bookmaking shall not be carried on on any track unless the occupier of the track is the holder of a licence authorising the provision of betting facilities on that track granted and for the time being in force under Schedule 3 to this Act (in this Act referred to as a “ track betting licence ”):

Provided that this subsection shall not apply in relation to anything done on any track on any day if—

- (a) during the period of twelve months in which that day falls, being a period beginning with 1st July in any year, bookmaking has not been carried on on that track on more than seven previous days ; and
- (b) notice of the intention to permit bookmaking on that track on that day has been given by post not less than seven clear days beforehand by the occupier of the track to the chief officer of police for any police area in which the track or any part thereof is situated.

(2) Bookmaking shall not be carried on on any licensed track on any day which is not one of the betting days fixed under paragraph 14 of Schedule 3 to this Act by the authority who granted the licence.

(3) If bookmaking is carried on by any person on any track on any day in contravention of this section, that person and, if that person is not the occupier of the track, that occupier also, shall be guilty of an offence :

Provided that where the occupier of a track is charged with an offence by reason of a contravention of this section on the part of another person, it shall be a defence for him to prove that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it.

7.—(1) Subject to subsection (2) of this section, on any day on which a track is being used as a dog racecourse, betting by way of bookmaking or by means of a totalisator on the results of dog races shall not take place on that track—

PART I
Restriction of betting on dog race-courses.

- (a) in connection with more than eight races ; or
- (b) otherwise than during one continuous period not exceeding four hours.

(2) In relation to any day fixed as a special betting day for the purposes of this subsection under paragraph 14 of Schedule 3 to this Act by the licensing authority within whose area the track falls, the foregoing subsection shall have effect as if—

- (a) for the word “ eight ” there were substituted the word “ sixteen ”; and
- (b) for the words “ one continuous period not exceeding four hours ” there were substituted the words “ a period or periods not exceeding eight hours in the aggregate ”.

(3) If bookmaking is carried on or a totalisator is operated by any person on any track in contravention of this section, that person and, if that person is not the occupier of the track, that occupier also, shall be guilty of an offence:

Provided that where the occupier of a track is charged with an offence by reason of a contravention of this section on the part of another person, it shall be a defence for him to prove that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it.

8.—(1) Any person frequenting or loitering in a street or public place, on behalf either of himself or of any other person, for the purposes of bookmaking, betting, agreeing to bet, or paying, receiving or settling bets shall be liable on summary conviction—

Prohibition of betting in streets and public places.

- (a) to a fine not exceeding one hundred pounds ; or
- (b) in the case of a second conviction for an offence under this section, to a fine not exceeding two hundred pounds ; or
- (c) in the case of a third or any subsequent conviction for an offence under this section, to imprisonment for a term not exceeding three months, or to a fine not exceeding two hundred pounds, or to both,

and shall in any case be liable to forfeit all books, cards, papers and other articles relating to betting which may be found in his possession :

Provided that this subsection shall not apply to anything done on any ground used, or adjacent to ground used, for the purpose

A*

PART I of a racecourse for racing with horses on a day on which horse races take place on that racecourse.

(2) Any constable may take into custody without warrant any person found committing an offence under this section and may seize and detain any article liable to be forfeited thereunder.

(3) Notwithstanding anything in section 52 (3) of this Act, conviction for an offence under the Street Betting Act 1900 shall be deemed to have been a conviction for an offence under this section only if the offence was committed after 1st December 1961.

(4) In this section—

- (a) the expression “street” includes any bridge, road, lane, footway, subway, square, court, alley or passage whether a thoroughfare or not, which is for the time being open to the public and, in the application of this Act to Scotland, includes also any common close or common stair; and
- (b) the doorways and entrances of premises abutting upon and any ground adjoining and open to, a street shall be treated as forming part of the street.

Licensed betting offices

Betting office licences and betting agency permits.

9.—(1) Where in the case of any premises there is for the time being in force a licence authorising the holder of the licence to use those premises as a betting office (in this Act referred to as “a betting office licence”), section 1 (1) of this Act shall not apply to the use of those premises for the effecting of betting transactions with or through the holder of the licence or any servant or agent of his:

Provided that the licence shall not authorise the use of the premises for effecting any pool betting transaction made otherwise than by way of sponsored pool betting.

(2) The following persons, and the following persons only, may apply for the grant or renewal of a betting office licence in respect of any premises, that is to say—

- (a) a person who is for the time being the holder of, or an applicant for, a bookmaker’s permit;
- (b) the Totalisator Board;
- (c) a person who, not being the holder of, or an applicant for, a bookmaker’s permit, is for the time being both—
 - (i) accredited by a bookmaker who is the holder of a bookmaker’s permit or by the Totalisator Board as an agent for the purpose of receiving or negotiating bets by way of business with a view to those bets

being made with that bookmaker or, as the case may be, with or through that Board; and

(ii) the holder of, or an applicant for, a permit (in this Act referred to as "a betting agency permit") authorising him to hold a betting office licence.

(3) An application for the grant of a betting office licence in respect of any premises may be made notwithstanding that the premises have still to be constructed or are still in the course of construction.

(4) Subject to subsections (2) and (3) of this section, Schedule 1 to this Act shall have effect for the purposes of betting office licences and betting agency permits.

(5) If the holder of a betting agency permit, on being required by a constable to produce his permit for examination, refuses or without reasonable cause fails so to do, he shall be liable on summary conviction to a fine not exceeding ten pounds.

10.—(1) A licensed betting office shall be managed in accordance with the rules set out in Schedule 4 to this Act, and in the case of any contravention of any of those rules the licensee and any servant or agent of the licensee by whom the contravention was committed shall be liable on summary conviction to a fine not exceeding one hundred pounds: Conduct of licensed betting offices.

Provided that, where any person is charged with an offence under this subsection by reason only of his being the licensee, it shall be a defence to prove that the contravention took place without his consent or connivance and that he exercised all due diligence to prevent it.

(2) Without prejudice to any other right to refuse a person admission to premises or to expel a person from premises, in the case of a licensed betting office the licensee or any servant or agent of his may refuse to admit to, or may expel from, the licensed premises any person who is drunken, violent, quarrelsome or disorderly, or whose presence on those premises would subject the licensee or any servant or agent of his to a penalty under the foregoing subsection; and if any person liable to be expelled from the licensed premises under this subsection, when requested by the licensee, any servant or agent of the licensee or any constable to leave those premises, fails to do so, he shall be liable on summary conviction to a fine not exceeding five pounds.

(3) Any constable may, on the request of the licensee or any servant or agent of the licensee, help to expel from a licensed betting office any person whom the constable has reasonable cause to believe to be liable to be expelled therefrom under

PART I subsection (2) of this section ; and the constable may use such force as may be required for that purpose.

(4) Any constable may enter any licensed betting office for the purpose of ascertaining whether the provisions of subsection (1) of this section are being complied with, and any person who obstructs any constable in the exercise of his powers under this subsection shall be liable on summary conviction to a fine not exceeding ten pounds.

(5) If, save in a licensed betting office or in such manner as may be prescribed on premises giving access to such an office, any advertisement is published—

- (a) indicating that any particular premises are a licensed betting office ; or
- (b) indicating where any such office may be found ; or
- (c) drawing attention to the availability of, or to the facilities afforded to persons resorting to, such offices,

then, in the case of an advertisement in connection with the office or offices of a particular licensee, that licensee, and in every case any person who published the advertisement or caused or permitted it to be published, shall be guilty of an offence :

Provided that it shall be a defence for any person charged with an offence under this subsection to prove—

- (i) that he did not know and had no reasonable cause to suspect that the advertisement was, and that he had taken all reasonable steps to ascertain that it was not, such an advertisement as aforesaid ; or
- (ii) if he is charged by reason only of being a licensee, that the advertisement was published without his consent or connivance and that he exercised all due diligence to prevent the publishing of any such advertisement in connection with his office or offices.

Special provisions with respect to bookmaker's and betting agency permits

Cancellation of and disqualification for bookmaker's or betting agency permit.

11.—(1) If the holder of a bookmaker's permit or of a betting agency permit is convicted—

- (a) of an offence under section 1 (1), 4 (1), 5, 6, 8 or 21 of this Act ; or
- (b) of any offence involving fraud or dishonesty.

or if the holder of a betting agency permit is convicted of an offence under section 2 (1) of this Act, the court by or before whom he is convicted may, if the court thinks fit, order that his permit shall be forfeited and cancelled.

(2) An order under the foregoing subsection shall be deemed for the purposes of any appeal to be part of the sentence for the offence ; and the permit shall not be forfeited or cancelled under that order—

- (a) until the date of expiration of the period within which notice of appeal against the conviction or sentence may be given ; nor
- (b) if notice of appeal against the conviction or sentence is duly given within the period aforesaid, until the date of the determination or abandonment of the appeal.

(3) Subsection (2) of this section shall not apply to Scotland, but the holder of a permit in respect of which an order under subsection (1) of this section is made by a court in Scotland may, without prejudice to any other form of appeal under any rule of law, appeal against the order in the same manner as against a conviction ; and a permit shall not be forfeited or cancelled under an order so made—

- (a) until the expiration of the period of fourteen days commencing with the date on which the order was made ; nor
- (b) if an appeal against the order or the conviction which gave rise thereto is taken within the said period, until the date when that appeal is determined or abandoned or deemed to have been abandoned.

(4) A person whose bookmaker's permit or betting agency permit is forfeited and cancelled in pursuance of an order under subsection (1) of this section shall, by virtue of that order, be disqualified for holding or obtaining a permit of either description for a period of five years beginning with the date of the conviction which gave rise to the order :

Provided that, in a case where it appears to the court making the order to be just in all the circumstances, that court may include in the order a direction that the period of disqualification shall be such period shorter than five years as the court may specify.

(5) Where a bookmaker's permit or betting agency permit is forfeited and cancelled in pursuance of an order under subsection (1) of this section, the clerk of the court by whom the order was made shall, unless he is also clerk to the authority who last either granted or renewed the permit, send a copy of the order to the clerk to that authority.

(6) Any holder of a bookmaker's permit or betting agency permit who employs in his bookmaking business any person known to him to be for the time being disqualified under subsection (4) of this section shall be guilty of an offence.

PART I

*The Totalisator Board and pool betting on horse races*Horsrace
Totalisator
Board.

12.—(1) There shall be a Horsrace Totalisator Board (in this Act referred to as “the Totalisator Board”) which shall be a body corporate and have perpetual succession and a common seal.

(2) 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 hold and vacate office in accordance with the terms of the respective instruments under which they are appointed.

(3) 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:

Provided that the Board shall not by virtue of this subsection 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.

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

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

(6) No act or proceeding of the Totalisator 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.

(7) Except where the context otherwise requires, any reference in any Act or other document to the Racecourse Betting Control Board shall be construed as a reference to the Totalisator Board.

Approval
of horse
racecourses
by Totalisator
Board.

13.—(1) The Totalisator Board may for the purposes of this Part of this Act issue (subject to such conditions as they may impose) in respect of any ground used for the purpose of a racecourse for racing with horses and any ground adjacent thereto a certificate of their approval of that ground as a horse racecourse, and the Board may at any time revoke any such certificate issued by them.

(2) The Totalisator Board shall make it a condition of the grant of such a certificate of approval of any ground as a horse racecourse that the persons having the management of that racecourse shall provide a place, whether in a building or not, where bookmakers may carry on their business and to which the public may resort for the purpose of betting, and that the charge to a bookmaker and to any assistant accompanying him for admission

to an enclosure on the racecourse for the purpose of the bookmaker's business shall, in the case of the bookmaker, not exceed five times the amount, and, in the case of a bookmaker's assistant, not exceed the amount, of the highest charge made to members of the public for admission to that enclosure.

14.—(1) The Totalisator Board shall have power and the exclusive right to do, and to authorise other persons to do, either of the following things, that is to say—

Functions of Totalisator Board with respect to betting on horse races.

- (a) to carry on pool betting business in any form on a recognised horse race ; and
- (b) by way of business to receive or negotiate bets on a recognised horse race on terms that the winnings or any part thereof shall be calculated or regulated directly or indirectly by reference to the amounts or rates of any payments or distributions in respect of winning bets on that race made by way of sponsored pool betting ;

and in giving any authority under this subsection the Board may do so on such terms, including terms as to payments to the Board, as the Board may think fit.

(2) Any infringement of the right conferred on the Totalisator Board by the foregoing subsection shall be actionable at the suit of the Board ; and in any action for such an infringement all such relief, by way of damages, injunction, accounts or otherwise, shall be available to the Board as is available to the plaintiff in any corresponding proceedings in respect of infringements of proprietary rights and, notwithstanding anything to the contrary in any enactment or rule of law relating to the jurisdiction of county courts, a county court may, on the application of the Board, grant an injunction restraining an infringement or apprehended infringement of the right aforesaid whether or not any other relief is claimed ; and for the purposes of this subsection the right aforesaid is infringed by any person who, without the authority of the Board—

- (a) does or authorises any other person to do any thing such as is mentioned in subsection (1) (a) or (b) of this section ; or
- (b) by way of business holds himself out as willing to enter into any pool betting transaction on a recognised horse race, whether by way of sponsored pool betting or otherwise, or to receive or negotiate a bet on a recognised horse race on such terms as are mentioned in the said subsection (1) (b).

In the application of this subsection to Scotland, "suit" means instance, "injunction" means an interdict, "accounts" means count, reckoning and payment, and "plaintiff" means pursuer.

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(3) Where bets on a race or combination of races are made by way of sponsored pool betting, the Totalisator Board shall—

(a) cause to be deducted from the aggregate amount staked either—

(i) such percentage of that amount as may be determined from time to time by the Board, either generally or with respect to any particular race-course ; or

(ii) if so determined as aforesaid, such percentage of such part of that amount as may be determined as aforesaid ; and

(b) cause the whole of the remainder of that amount to be distributed among the persons making such of those bets as are winning bets.

(4) Where facilities for sponsored pool betting are being provided on an approved horse racecourse by the persons having the management of that racecourse, any amount deducted by those persons under subsection (3) (a) of this section shall be paid to the Totalisator Board, but the Board may pay to those persons the amount of the expenses shown to the satisfaction of the Board to have been properly incurred by those persons in connection with the provision of those facilities.

(5) Without prejudice to section 12 (4) of this Act, the Totalisator Board may remunerate any person, by the payment of commissions or otherwise, in respect of the negotiation, receipt or transmission by that person—

(a) of bets to be made by way of sponsored pool betting ;
or

(b) of bets such as are mentioned in subsection (1) (b) of this section to be made with the Board or, under the authority of the Board, with the persons having the management of an approved horse racecourse,

and may provide facilities on any such racecourse for persons engaged in receiving bets to be so made.

(6) Nothing in this Act shall be construed as restricting the betting transactions which may be effected by way of sponsored pool betting to betting transactions upon the result of a single race, or upon the results of races run on a particular racecourse or on a particular day, or as preventing the Totalisator Board from giving credit in any betting transaction.

Additional powers and duties of Totalisator Board.

15.—(1) The Totalisator Board shall have power—

(a) 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 ;

- (b) to borrow for the purposes of any of their functions and to give security for any moneys borrowed by them ;
- (c) 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 ;
- (d) to do all such things as are incidental to, or conducive to the attainment of the purposes of, any of their functions.

(2) Subject to section 14 (3) to (5) of this Act, the Totalisator 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 ;
- (b) in making provision for the payment of any contribution for the time being payable by them under section 30 of this Act ;
- (c) in making such other provision in connection with any of their functions as they think proper.

Special provisions with respect to licensed tracks

16.—(1) Where in the case of any licensed track, by virtue of section 4 (1) (b) of this Act, the occupier of the track or any person authorised in that behalf in writing by the occupier of the track has set up a totalisator, that totalisator shall be operated only—

Totalisators on licensed tracks.

- (a) on a day which is one of the betting days fixed in pursuance of paragraph 14 of Schedule 3 to this Act by the authority by whom the track was licensed ; and
- (b) while the public are admitted to the track for the purpose of attending dog races and no other sporting events are taking place on the track ; and
- (c) for effecting with persons resorting to the track betting transactions on dog races run on that track on that day,

and Schedule 5 to this Act shall have effect with respect to the totalisator.

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(2) The occupier of a licensed track—

- (a) shall not so long as a totalisator is being lawfully operated on the track exclude any person from the track by reason only that he proposes to carry on bookmaking on the track ; and
- (b) shall take such steps as are necessary to secure that so long as a totalisator is being lawfully operated on the track there is available for bookmakers space on the track where they can conveniently carry on book-making in connection with dog races run on the track on that day ;

and every person who contravenes any of the provisions of this subsection shall be guilty of an offence.

Special rights of occupier of licensed track where totalisator is operated.

17.—(1) The provisions of this section shall apply in relation to any dog race on a licensed track in connection with which betting takes place by means of a totalisator on the track in accordance with section 16 of this Act.

(2) The occupier of the track shall have the exclusive right to authorise any person—

- (a) to carry on pool betting business on any such race as aforesaid ;
- (b) by way of business to receive or negotiate bets on any such race on terms that the winnings or any part thereof shall be calculated or regulated directly or indirectly by reference to the amounts or rates of any payments or distributions in respect of winning bets on that race made by means of the totalisator,

and no person shall have the right to carry on any form of pool betting business on any such race or by way of business to receive or negotiate bets on any such race on such terms as aforesaid except with the authority of the occupier ; and in giving any authority under this subsection the occupier may do so on such terms, including terms as to payments to the occupier, as the occupier may think fit.

(3) Any infringement of the right conferred on the occupier by the last foregoing subsection shall be actionable at the suit of the occupier ; and in any action for such an infringement all such relief, by way of damages, injunction, accounts or otherwise, shall be available to the occupier as is available to the plaintiff in any corresponding proceedings in respect of infringements of proprietary rights and, notwithstanding anything to the contrary in any enactment or rule of law relating to the jurisdiction of county courts, a county court may, on the application of the occupier, grant an injunction restraining an infringement or apprehended infringement of the right afore-

said whether or not any other relief is claimed ; and for the purposes of this subsection the right aforesaid is infringed by any person who, without the authority of the occupier—

- (a) carries on any form of pool betting business on any such race as aforesaid or by way of business holds himself out as willing to enter into any pool betting transaction on any such race ; or
- (b) by way of business, receives or negotiates, or holds himself out as willing to receive or negotiate, any bet on any such race on such terms as are mentioned in subsection (2) (b) of this section.

In the application of this subsection to Scotland, “suit” means instance, “injunction” means an interdict, “accounts” means count, reckoning and payment, and “plaintiff” means pursuer.

18.—(1) The occupier of any licensed track may make to a bookmaker or to any assistant accompanying a bookmaker to the track for the purpose of his business any charge for admission to any particular part of the track not exceeding, in the case of the bookmaker, five times the amount, or, in the case of an assistant, the amount, of the highest charge made to members of the public for admission to that part of the track:

Charges to bookmakers on licensed tracks.

Provided that there shall not be made to any bookmaker or bookmaker’s assistant for admission to any particular part of the track any charge differing in amount from the charge made to any other bookmaker or bookmaker’s assistant, as the case may be, for admission to that part of the track.

(2) If in the case of any licensed track any charge other than—

- (a) a charge authorised by the foregoing subsection ; or
- (b) any amount payable by way of bookmakers’ licence duty under section 4 of the Betting Duties Act 1963,

is made to a bookmaker or bookmaker’s assistant, or any payment, valuable thing or favour, other than a charge so authorised or an amount so payable, is demanded or received by or for the benefit of the occupier of the track as a consideration for facilities being given to a bookmaker for the carrying on of his business, the person immediately responsible, and, if that person is not the occupier of the track, that occupier also, shall be guilty of an offence :

Provided that where the occupier of a track is charged with an offence under this section by reason of an act of another

PART I person, it shall be a defence for the occupier to prove that the act took place without his consent or connivance and that he exercised all due diligence to prevent it.

Occupiers of licensed tracks not to have an interest in book-making thereon.

19. It shall not be lawful for—

- (a) the occupier of any licensed track or any servant or agent of his ; or
- (b) any person having under a lease, agreement or licence granted by the occupier any interest in or right over or in respect of any part of the track,

to engage either directly or indirectly, and either on his own behalf or on behalf of another, in bookmaking on that track ; and if any person contravenes the provisions of this section, that person, and, if that person is not the occupier of the track, that occupier also, shall be guilty of an offence :

Provided that where the occupier of a track is charged with an offence by reason of a contravention of this section on the part of another person it shall be a defence for the occupier to prove that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it.

Saving for right of occupier of licensed track to prohibit betting.

20. Nothing in this Act shall be construed as requiring the occupier of a licensed track to permit betting thereon at any time when no totalisator is being operated on that track.

Special provisions with respect to young persons

Betting with young persons.

21.—(1) If any person—

- (a) has any betting transaction with a young person ; or
- (b) employs a young person in the effecting of any betting transaction or in a licensed betting office ; or
- (c) receives or negotiates any bet through a young person,

he shall be guilty of an offence :

Provided that a person shall not be guilty of an offence under this subsection by reason of—

- (i) the employment of a young person in the effecting of betting transactions by post ; or
- (ii) the carriage by a young person of a communication relating to a betting transaction for the purposes of its conveyance by post.

(2) In this section, the expression, “ young person ” means a person—

- (a) who is under the age of eighteen years and whom the person committing an offence in relation to him under this section knows, or ought to know, to be under that age ; or

(b) who is apparently under the said age :

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Provided that in the case of any proceedings under this section for an offence in respect of a person apparently under the said age, it shall be a defence to prove that at the time of the alleged offence he had in fact attained that age.

22.—(1) If any person, for the purpose of earning commission, reward or other profit, sends or causes to be sent to a person whom he knows to be under the age of twenty-one years any circular, notice, advertisement, letter, telegram or other document which invites or may reasonably be implied to invite the person receiving it to make any bet, or to enter into or take any share or interest in any betting transaction, or to apply to any person or at any place with a view to obtaining information or advice for the purpose of any bet or for information as to any race, fight, game, sport or other contingency upon which betting is generally carried on, he shall be guilty of an offence.

Betting circulars not to be sent to young persons.

(2) If any such document as aforesaid names or refers to anyone as a person to whom any payment may be made, or from whom information may be obtained, for the purpose of or in relation to betting, the person so named or referred to shall be deemed to have sent that document or caused it to be sent unless he proves that he had not consented to be so named and that he was not in any way a party to, and was wholly ignorant of, the sending of the document.

(3) If any such document as aforesaid is sent to any person at any university, college, school or other place of education and that person is under the age of twenty-one years, the person sending the document or causing it to be sent shall be deemed to have known that person to be under that age unless he proves that he had reasonable grounds for believing him to be of full age.

Power of entry on tracks

23. Any person authorised in writing in that behalf by the licensing authority under Schedule 3 to this Act for the area in which any track or the greater part of the superficial area thereof is situated, subject to the production on demand of his authority, and any constable, may at all reasonable times enter upon that track for the purpose of ascertaining whether the provisions of this Part of this Act are being complied with ; and every person who obstructs any constable or other person in the exercise of his powers under this section shall be liable on summary conviction to a fine not exceeding ten pounds.

Power of entry on tracks.

PART I *Contributions for benefit of horse racing by bookmakers and Totalisator Board*

Horserace
Betting
Levy Board.

24.—(1) There shall be 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 subsequent provisions of this Part of this Act, and of applying, subject to those provisions, 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 and the Totalisator Board.

(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 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 ; 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 subsection (2) (a) 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 subsection (2) (b) or (c) of this section may be removed from the Board at any time by the body 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 subsection (2) (b), (c), (d) or (e), as the case may be, 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) 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.

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

General powers and duties of Levy Board.

- (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 section 24 (1) (a) to (c) 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 ;
- (e) 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 ;
- (f) to do all such things as are incidental to, or conducive to the attainment of the purposes of, any of their functions.

PART 1

(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 26 or 29 of this Act or section 9 of the Betting Levy Act 1961 ;
- (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 section 24 (1) of this Act.

Bookmakers' Committee.

26.—(1) For the purposes of the contributions such as are mentioned in section 24 (1) of this Act to be made by bookmakers, there shall be a committee, which shall be known as the Bookmakers' Committee, 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 provide.

(2) Provision may be made, and from time to time varied, by a scheme under this subsection 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 that 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.
- (3) The Levy Board shall pay—
- (a) any amounts payable by virtue of any scheme under subsection (2) of this section ;
 - (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) 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.

27.—(1) The contributions such as are mentioned in section 24 (1) of this Act to be made 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 1st 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) 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

PART I shall continue to have effect without amendment or with specified amendments.

(4) 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.

(5) 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 (3) 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 section 24 (1) 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.

28.—(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 27 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 section 29 of 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.

PART I

(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 Schedule 1 to this Act, 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 in pursuance of section 29 of 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.

Levy appeal tribunals.

29.—(1) There shall be established for the purposes of section 28 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 section 28 (5) of this Act 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 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.

(3) 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 ; and 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.

(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 subsection (7) of this section, 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

PART I 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.

Contributions by Totalisator Board.

30.—(1) Subject to subsection (2) of this section, the contribution such as is mentioned in section 24 (1) of this Act to be paid by the Totalisator Board 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 the said section 24 (1);
- (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.

Accounts and reports of Levy Board and Totalisator Board

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

31.—(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 accountants 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.

PART I

PART II

GAMING

32.—(1) Subject to the provisions of this Act, any gaming shall be lawful if, but only if, it is conducted in accordance with the following conditions, that is to say— General provisions as to gaming.

(a) that either—

(i) the chances in the game are equally favourable to all the players ; or

(ii) the gaming is so conducted that the chances therein are equally favourable to all the players ;
and

(b) that no money or money's worth which any of the players puts down as stakes, or pays by way of losses, or exchanges for tokens used in playing the game, is disposed of otherwise than by payment to a player as winnings ; and

(c) that no other payment in money or money's worth is required for a person to take part in the gaming.

(2) If in any proceedings under this section evidence is adduced that gaming took place on any premises and either—

(a) that the game was, or was a variant of or of a similar nature to, a game which is capable of being played in accordance with the ordinary rules thereof in such a manner that the chances therein are not equally favourable to all the players, and that ten or more persons were present at the gaming ; or

(b) that a payment of money or money's worth was required in order to obtain access to the premises,

then, subject to section 36 of this Act, it shall be held that the gaming was unlawful gaming unless it is proved that the gaming was conducted in accordance with the conditions set out in subsection (1) of this section.

(3) Subject to the provisions of this Act, no gaming shall take place at which any person under the age of eighteen years is

PART II

included among the players, except where both the following conditions are satisfied, that is to say—

- (a) that the gaming takes place in a private dwelling-house or in the presence of a parent or guardian of that person ; and
- (b) that any such person taking part in the gaming does so with the permission, whether general or special, of a parent or guardian of that person.

(4) If any gaming takes place on any premises—

- (a) which is by virtue of subsection (1) of this section, or is held in pursuance of subsection (2) of this section to have been, unlawful gaming ; or
- (b) which contravenes subsection (3) of this section,

any person concerned in the organisation or management of the gaming, and any other person who, knowing or having reasonable cause to suspect that unlawful gaming or gaming in contravention of the said subsection (3) would take place on those premises—

- (i) allowed the premises to be used for the purposes of gaming ; or
- (ii) let the premises, or otherwise made the premises available, to any person by whom an offence in connection with the gaming has been committed,

shall be guilty of an offence ; and for the purposes of this subsection any person who took part in procuring the assembly of the players shall be deemed to have been concerned in the organisation of the gaming.

(5) Any person who is present at any gaming such as is mentioned in subsection (4) (a) or (b) of this section for the purposes of taking part therein shall be liable on summary conviction to a fine not exceeding fifty pounds :

Provided that, for the purposes of any proceedings under this subsection in respect of gaming such as is mentioned in the said subsection (4) (a), subsection (1) (c) of this section shall be deemed to be omitted if the person charged proves that he was not required to make, or to undertake to make, any payment such as is mentioned in the said subsection (1) (c) and that he neither knew nor had reasonable cause to suspect that any other person was so required.

(6) For the purposes of the last foregoing subsection, proof that any person was present at any gaming shall be evidence that he was present for the purpose of taking part therein unless

he proves that he was present neither for that purpose nor for any of the following purposes, that is to say, taking part in the management of the gaming, operating any instrument or other thing whatsoever used in connection with the gaming, or making bets with respect to the gaming.

(7) In any proceedings in respect of a contravention of subsection (3) of this section in the case of any gaming, it shall be a defence to prove that the person charged neither knew nor had reasonable cause to suspect that any of the players was under the age of eighteen years.

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

- (a) in subsection (2), for the words “evidence is adduced” there shall be substituted the words “it is proved”;
- (b) subsection (6) shall not apply, but, in any proceedings in Scotland under subsection (5), if any person is proved to have been present at the gaming to which the proceedings relate, that person shall be held to have been present for the purpose of taking part therein unless he proves that he was present neither for that purpose nor for any of the following purposes, that is to say, taking part in the management of the gaming, operating any instrument or other thing whatsoever used in connection with the gaming, or making bets with respect to the gaming.

33.—(1) Section 32 of this Act shall not apply to gaming by means of a gaming machine but, subject to the provisions of this Act, if any such gaming takes place on any premises to which, whether on payment or otherwise, the public have access, or which are used wholly or mainly by persons under the age of eighteen years, or, except in accordance with the conditions set out in subsection (2) of this section, on any other premises—

Gaming machines.

- (a) any person who knowingly allowed the premises to be used for the purposes of the gaming; and
- (b) any other person who, knowing or having reasonable cause to suspect that the premises would be used for such gaming—
 - (i) caused or allowed the machine to be placed on the premises; or
 - (ii) let the premises, or otherwise made the premises available, to any person by whom an offence in connection with the gaming was committed,

shall be guilty of an offence.

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- PART II** (2) The conditions referred to in the foregoing subsection are—
- (a) that not more than two gaming machines are made available for play in any one building or, when different parts of a building are occupied by two or more different persons, in the part or parts of the building occupied by any one of those persons; and
 - (b) that the stake required to be hazarded in order to play the game once does not exceed sixpence; and
 - (c) that all stakes hazarded are applied either in the payment of winnings to a player of the game or for purposes other than private gain.
- (3) In this section—
- (a) the expression “gaming machine” means a machine for playing a game of chance, being a game which requires no action by any player other than the actualisation or manipulation of the machine; and
 - (b) the expression “building” includes the curtilage of the building.

Gaming in public places.

34.—(1) Subject to the provisions of this Act, if any person takes part in gaming in any street or in any other place to which, whether on payment or otherwise, the public have access he shall be liable on summary conviction to a fine not exceeding fifty pounds.

(2) A constable may arrest without warrant anyone whom he finds in a street or in any such place as aforesaid and whom he suspects, with reasonable cause, to be committing an offence under this section.

(3) In this section, the expression “street” has the meaning assigned by section 8 (4) (a) and (b) of this Act.

Saving for dominoes and cribbage on licensed premises, etc.

35.—(1) Section 34 of this Act shall not apply to the playing of dominoes or cribbage—

- (a) on premises in respect of which there is for the time being in force a justices’ on-licence granted under the Licensing Act 1953 or a hotel certificate or public house certificate granted under the Licensing (Scotland) Act 1959; or
- (b) on premises in any district specified in Part I of Schedule 9 to the said Act of 1953 or in Part I of Schedule 8 to the said Act of 1959 which are being

used for the sale on behalf of the Secretary of State of intoxicating or, as the case may be, exciseable liquor for consumption on those premises.

(2) The licensing justices for any licensing district within the meaning of the said Act of 1953, or the licensing court for any licensing area within the meaning of the said Act of 1959, may at any time, if in the case of any particular premises such as aforesaid situated within that district or area they think fit so to do, by order impose such requirements or restrictions with respect to the playing of the said games on any part of those premises to which the public have access as they consider necessary to secure—

- (a) that the games are not played on that part of the premises in such circumstances as to constitute an inducement to persons to resort thereto primarily for the purpose of taking part in gaming at those games; and
- (b) that any such gaming on that part of the premises does not take place for high stakes.

(3) The justices or court aforesaid may at any time by a further order vary or revoke any previous order made under this section.

(4) An order under this section with respect to any premises shall come into force upon notice thereof being given—

- (a) in the case of premises such as are mentioned in subsection (1) (a) of this section, to the person who is for the time being the holder of the licence or certificate aforesaid in respect of those premises;
- (b) in the case of premises such as are mentioned in subsection (1) (b) of this section, to the Secretary of State,

and the justices or court shall send a copy of the notice to the chief officer of police for the police area in which the premises are situated; and, subject to any further order varying or revoking it, the order shall continue in force so long as the premises continue to be premises such as are mentioned in subsection (1) of this section.

(5) Section 166 of the Licensing Act 1953 (which relates to the application of that Act to the Isles of Scilly) shall have effect as if the reference therein to the functions of the licensing justices under Part VII of that Act included a reference to the functions of those justices under this section.

PART II
Saving for
clubs.

36. In any proceedings under section 32 of this Act, gaming shall be held to have been conducted in accordance with the condition set out in subsection (1) (c) of that section if it is proved—

- (a) that the gaming was carried on as an activity of a club ; and
- (b) that, apart from any annual subscription for membership of the club, the only other payment required for a person to take part in the gaming was of a fixed sum of money determined before the gaming began ; and
- (c) that no person took part in the gaming who was not either—
 - (i) a member of the club in pursuance of an application or nomination for membership made more than twenty-four hours before the gaming began ; or
 - (ii) a bona fide guest of such a member ; and
- (d) that the club is so constituted and conducted, both as regards membership and otherwise, as not to be of a merely temporary character.

Saving for
entertainments
not held for
private gain.

37.—(1) Where gaming is carried on at an entertainment promoted for raising money to be applied for purposes other than private gain, then, in relation to that gaming—

- (a) so much of section 34 of this Act as relates to gaming in a place other than a street shall not apply ; and
- (b) section 32 of this Act shall have effect—
 - (i) as if subsection (2) (b) thereof were omitted ; and
 - (ii) as if for the conditions set out in subsection (1) (b) and (c) of that section there were substituted the conditions set out in subsection (2) of this section.

(2) The conditions referred to in the foregoing subsection are—

- (a) that not more than one payment (whether by way of entrance fee or stake or otherwise) is made by each player in respect of all games played at the entertainment, and that no such payment exceeds five shillings ;
- (b) that not more than one distribution of prizes or awards is made in respect of all games played at the entertainment, and that, subject to subsection (3) of this section, the total value of all prizes and awards distributed in respect of those games does not exceed twenty pounds ;

PART II

- (c) that the whole of the proceeds of such payments as are mentioned in paragraph (a) of this subsection, after deducting sums lawfully appropriated on account of expenses or for the provision of prizes or awards in respect of the games, are applied for purposes other than private gain ;
- (d) that the amount of the said proceeds appropriated in respect of expenses does not exceed the reasonable cost of the facilities provided for the purposes of the games.

(3) Where two or more entertainments are promoted on the same premises by the same persons on the same day, the conditions set out in subsection (2) of this section shall apply in relation to those entertainments collectively as if they were a single entertainment ; but, save as aforesaid, where a series of such entertainments is held, the said conditions shall apply separately to each entertainment in the series, whether or not some or all of the persons taking part in any one of those entertainments are thereby qualified to take part in any other of them ; and where each of the persons taking part in the games played at the final entertainment of such a series is qualified to do so by reason of having taken part in the games played at another entertainment of that series held on a previous day, subsection (2) (b) of this section shall apply in relation to that final entertainment as if for the words " twenty pounds " there were substituted the words " one hundred pounds ".

38.—(1) Notwithstanding any rule of law, premises shall not be a common gaming house by reason of the carrying on of gaming thereon. Supplementary provisions with respect to gaming.

(2) Nothing in section 41 of this Act shall make unlawful any gaming conducted in such circumstances that no offence under this Part of this Act is committed.

(3) Notwithstanding any rule of law, for the purposes of any enactment relating to betting, the expression " bet " shall not include any bet or stake at any gaming conducted as aforesaid.

(4) Notwithstanding any rule of law—

- (a) the making of bets by way of pool betting ; and
- (b) participation in any lottery which satisfies the conditions set out in subsection (5) of this section,

shall not be held to be gaming.

(5) The conditions referred to in subsection (4) (b) of this section are—

- (a) that the lottery is a lottery declared by section 43, 44 or 45 of this Act not to be unlawful ; and

PART II

- (b) that each winner of a prize is ascertained by reference to not more than three determining factors, each of those factors being either the result of a draw or other determination or the outcome of an event.

Local authorities not to subsidise premises for gaming

39. It is hereby declared that nothing contained in section 132 of the Local Government Act 1948 or in any local or private Act shall be deemed to authorise any local authority to maintain or subsidise any premises wholly or mainly for the purpose of persons resorting thereto habitually for the purpose of taking part in gaming:

Provided that this section shall not apply where the gaming is by way only of amusements with prizes and the premises are premises in respect of which a permit for the provision thereon of such amusements has been granted, and is for the time being in force, under Schedule 6 to this Act.

References in other Acts to gaming or unlawful games.

40. In the following provisions, that is to say, section 44 of the Metropolitan Police Act 1839, section 28 of the City of London Police Act 1839, section 32 of the Refreshment Houses Act 1860 and section 141 (1) of the Licensing Act 1953 (which prohibit gaming in refreshment houses or on licensed premises), any reference to gaming or unlawful games shall be construed as a reference to the playing of any game in such circumstances that an offence under this Part of this Act is committed or a requirement or restriction for the time being in force under section 35 of this Act is contravened.

PART III

LOTTERIES AND PRIZE COMPETITIONS

Illegality of lotteries.

41. Subject to the provisions of this Act, all lotteries are unlawful.

Offences in connection with lotteries.

42.—(1) Subject to the provisions of this section, every person who in connection with any lottery promoted or proposed to be promoted either in Great Britain or elsewhere—

- (a) prints any tickets for use in the lottery ; or
 (b) sells or distributes, or offers or advertises for sale or distribution, or has in his possession for the purpose of sale or distribution, any tickets or chances in the lottery ;
 or

- (c) prints, publishes or distributes, or has in his possession for the purpose of publication or distribution—
 - (i) any advertisement of the lottery ; or
 - (ii) any list, whether complete or not, of prize winners or winning tickets in the lottery ; or
 - (iii) any such matter descriptive of the drawing or intended drawing of the lottery, or otherwise relating to the lottery, as is calculated to act as an inducement to persons to participate in that lottery or in other lotteries ; or
- (d) brings, or invites any person to send, into Great Britain for the purpose of sale or distribution any ticket in, or advertisement of, the lottery ; or
- (e) sends or attempts to send out of Great Britain any money or valuable thing received in respect of the sale or distribution, or any document recording the sale or distribution, or the identity of the holder, of any ticket or chance in the lottery ; or
- (f) uses any premises, or causes or knowingly permits any premises to be used, for purposes connected with the promotion or conduct of the lottery ; or
- (g) causes, procures or attempts to procure any person to do any of the above-mentioned acts,

shall be guilty of an offence.

(2) In any proceedings instituted under the foregoing subsection, it shall be a defence to prove either—

- (a) that the lottery to which the proceedings relate was a lottery declared not to be unlawful by section 43, 44, 45 or 46 of this Act, and that at the date of the alleged offence the person charged believed, and had reasonable ground for believing, that none of the conditions required by that section to be observed in connection with the promotion and conduct of the lottery had been broken ; or
- (b) that the lottery to which the proceedings relate was also a game of chance and that at the time of the alleged offence the person charged believed, and had reasonable ground for believing, that it was being conducted in such circumstances that no offence under Part II of this Act was committed.

(3) In England, proceedings under subsection (1) (c) (iii) of this section in respect of any matter published in a newspaper shall not be instituted except by, or by direction of, the Director of Public Prosecutions.

PART III
Exemption
of small
lotteries
incidental
to certain
entertain-
ments.

43.—(1) Where a lottery is promoted as an incident of an entertainment to which this section applies, that lottery shall not be unlawful but the conditions set out in subsection (2) of this section shall be observed in connection with its promotion and conduct and, if any of those conditions is contravened, every person concerned in the promotion or conduct of the lottery shall be guilty of an offence unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it.

(2) The conditions referred to in the foregoing subsection are that—

(a) the whole proceeds of the entertainment (including the proceeds of the lottery) after deducting—

(i) the expenses of the entertainment, excluding expenses incurred in connection with the lottery; and

(ii) the expenses incurred in printing tickets in the lottery; and

(iii) such sum, if any, not exceeding ten pounds as the promoters of the lottery think fit to appropriate on account of any expense incurred by them in purchasing prizes in the lottery,

shall be devoted to purposes other than private gain;

(b) none of the prizes in the lottery shall be money prizes;

(c) tickets or chances in the lottery shall not be sold or issued, nor shall the result of the lottery be declared, except on the premises on which the entertainment takes place and during the progress of the entertainment; and

(d) the facilities afforded for participating in lotteries, or those facilities together with either or both of the following, that is to say—

(i) facilities offered by virtue of section 37 of this Act for taking part in gaming;

(ii) the opportunity to win prizes at amusements to which section 48 (3) of this Act applies,

shall not be the only, or the only substantial, inducement to persons to attend the entertainment.

(3) The entertainments to which this section applies are bazaars, sales of work, fetes, dinners, dances, sporting or athletic events and other entertainments of a similar character, whether limited to one day or extending over two or more days.

44.—(1) In this section, the expression “private lottery” means a lottery in Great Britain which is promoted for, and in which the sale of tickets or chances by the promoters is confined to, either—

PART III
Exemption
of private
lotteries.

- (a) members of one society established and conducted for purposes not connected with gaming, betting or lotteries; or
- (b) persons all of whom work on the same premises; or
- (c) persons all of whom reside on the same premises,

and which is promoted by persons each of whom is a person to whom under the foregoing provisions of this subsection tickets or chances may be sold by the promoters and, in the case of a lottery promoted for the members of a society, is a person authorised in writing by the governing body of the society to promote the lottery; and for the purposes of this section, the expression “society” includes a club, institution, organisation or other association of persons by whatever name called, and each local or affiliated branch or section of a society shall be regarded as a separate and distinct society.

(2) A private lottery shall not be unlawful, but the following conditions shall be observed in connection with its promotion and conduct, that is to say—

- (a) the whole proceeds, after deducting only expenses incurred for printing and stationery, shall be devoted to the provision of prizes for purchasers of tickets or chances, or, in the case of a lottery promoted for the members of a society, shall be devoted either—

- (i) to the provision of prizes as aforesaid; or
- (ii) to purposes which are purposes of the society;

or

- (iii) as to part to the provision of prizes as aforesaid and as to the remainder to such purposes as aforesaid;

- (b) there shall not be exhibited, published or distributed any written notice or advertisement of the lottery other than—

- (i) a notice thereof exhibited on the premises of the society for whose members it is promoted or, as the case may be, on the premises on which the persons for whom it is promoted work or reside; and

- (ii) such announcement or advertisement thereof as is contained in the tickets, if any;

- (c) the price of every ticket or chance shall be the same, and the price of any ticket shall be stated on the ticket;

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PART III

- (d) every ticket shall bear upon the face of it the name and address of each of the promoters and a statement of the persons to whom the sale of tickets or chances by the promoters is restricted, and a statement that no prize won in the lottery shall be paid or delivered by the promoters to any person other than the person to whom the winning ticket or chance was sold by them, and no prize shall be paid or delivered except in accordance with that statement ;
- (e) no ticket or chance shall be issued or allotted by the promoters except by way of sale and upon receipt of the full price thereof, and no money or valuable thing so received by a promoter shall in any circumstances be returned ; and
- (f) no tickets in the lottery shall be sent through the post.

(3) If any of the conditions set out in subsection (2) of this section is contravened, each of the promoters of the lottery, and, where the person by whom the condition is broken is not one of the promoters, that person also, shall be guilty of an offence :

Provided that it shall be a defence for a person charged only by reason of his being a promoter of the lottery to prove that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it.

Exemption of certain small lotteries conducted for charitable, sporting or other purposes.

45.—(1) This section applies to any lottery which, not being a lottery declared by any other section of this Act not to be unlawful, is promoted in Great Britain on behalf of a society registered for the purposes of this section under Part I of Schedule 7 to this Act, being a society established and conducted wholly or mainly for one or more of the following purposes, that is to say—

- (a) charitable purposes ;
- (b) participation in or support of athletic sports or games or cultural activities ;
- (c) purposes which, not being described in paragraph (a) or (b) of this subsection, are neither purposes of private gain nor purposes of any commercial undertaking,

and is so promoted for raising money to be applied for purposes of the society.

(2) In construing subsection (1) (c) of this section, any purpose for which any society is established and conducted which is calculated to benefit the society as a whole shall not be held to be a purpose of private gain by reason only that action in its fulfilment would result in benefit to any person as an individual ; and for the purposes of this section, the expression "society" includes a club, institution, organisation or association of persons, by whatever name called, and any separate

branch or section of such a club, institution, organisation or association.

PART III

(3) A lottery to which this section applies shall not be unlawful but the following conditions shall be observed in connection with its promotion and conduct, that is to say—

- (a) the promoter of the lottery shall be a member of the society authorised in writing by the governing body of the society to act as the promoter ;
- (b) no remuneration shall be paid in respect of the lottery to the promoter or to any person employed by the promoter in connection with the lottery who carries on a betting business or is otherwise engaged by way of business in the organisation of betting ;
- (c) no prize shall exceed one hundred pounds in amount or value, and no ticket or chance shall be sold at a price exceeding one shilling ;
- (d) the whole proceeds after deducting sums lawfully appropriated on account of expenses or for the provision of prizes shall be applied to purposes of the society such as are described in subsection (1) (a), (b) or (c) of this section ;
- (e) the amount of the proceeds appropriated on account of expenses shall not exceed—
 - (i) the expenses actually incurred, or
 - (ii) ten per cent. of the whole proceeds,
 whichever is the less, and the amount of the proceeds appropriated for the provision of prizes shall not exceed one half of the whole proceeds ;
- (f) the price of every ticket or chance shall be the same, and the price of any ticket shall be stated on the ticket ;
- (g) the total value of the tickets or chances sold shall not exceed seven hundred and fifty pounds ; and if, on any day on which tickets or chances in the lottery are on sale, tickets or chances are on sale in another lottery to which this section applies promoted on behalf of the society, the total value of the tickets or chances sold in those lotteries taken together shall not exceed seven hundred and fifty pounds ; and for the purposes of this paragraph tickets or chances in a lottery shall be deemed to be on sale on each day between the dates on which those tickets or chances are first and last sold, whether or not any such ticket or chance is sold on that day ;
- (h) no written notice or advertisement of the lottery shall be exhibited, published or distributed except—
 - (i) a notice or advertisement exhibited on the premises of the society, or published or distributed exclusively to members of the society ; and

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PART III

- (ii) such notice or advertisement as may be contained in the tickets, if any;
- (i) every ticket and every notice or advertisement of the lottery lawfully exhibited, distributed or published shall specify the name of the society, the name and address of the promoter and the date on which the draw, determination or event by or by reference to which the prize winners are ascertained will take place;
- (j) no ticket shall be sent through the post to a person who is not a member of the society;
- (k) no person shall be admitted to participate in the lottery in respect of a ticket or chance except after payment to the promoter of the whole price of the ticket or chance, and no money received by the promoter for or on account of a ticket or chance shall in any circumstances be returned;
- (l) no payment on account of expenses or prizes shall be made out of moneys of the society other than proceeds of the lottery; and
- (m) no ticket or chance shall be sold by or to a person under sixteen years of age.

(4) Any amount payable by way of the pool betting duty in respect of a lottery to which this section applies shall be included in the sums which may be deducted from the proceeds of the lottery under subsection (3) (d) of this section before those proceeds are applied as therein mentioned, but no reference in any other provision of this section to expenses shall be construed as including a reference to that amount.

(5) If any condition required by subsection (3) of this section to be observed in respect of a lottery is contravened, the promoter of the lottery and any other person who is party to the contravention shall be guilty of an offence:

Provided that—

- (a) it shall be a defence for a person charged with any offence only by reason of his being the promoter to prove that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it;
- (b) it shall be a defence for any person charged with an offence in respect of an appropriation or payment made in contravention of paragraph (e) or (l) of the said subsection (3) to prove—
 - (i) that the proceeds of the lottery fell short of the sum reasonably estimated; and
 - (ii) that the appropriation or payment was made in respect of expenses actually incurred, or in order to fulfil an unconditional undertaking as to prizes

given in connection with the sale of the relevant tickets or chances; and PART III

(iii) that the total amounts appropriated or paid in respect of expenses and prizes did not exceed the amounts which could lawfully be appropriated out of the proceeds of the lottery under the said paragraph (e) if the said proceeds had amounted to the sum reasonably estimated.

(6) Part II of Schedule 7 to this Act shall have effect with respect to the returns to be made by the promoter of a lottery to which this section applies.

46. Nothing in this part of this Act shall affect the operation of the Art Unions Act 1846, and any lottery promoted and conducted in accordance with that Act shall not be unlawful. Saving for lotteries of Art Unions.

47.—(1) It shall be unlawful to conduct in or through any newspaper, or in connection with any trade or business or the sale of any article to the public— Restriction of certain prize competitions.

(a) any competition in which prizes are offered for forecasts of the result either—

(i) of a future event; or

(ii) of a past event the result of which is not yet ascertained or not yet generally known;

(b) any other competition success in which does not depend to a substantial degree upon the exercise of skill:

Provided that nothing in this subsection with respect to the conducting of competitions in connection with a trade or business shall apply in relation to sponsored pool betting or in relation to pool betting operations carried on by a person whose only trade or business is that of a bookmaker.

(2) Any person who contravenes the provisions of this section shall, without prejudice to any liability to be proceeded against under section 42 of this Act, be guilty of an offence.

PART IV

AMUSEMENTS WITH PRIZES

48.—(1) The provisions of this section shall have effect for the purpose of permitting the provision at any entertainment to which section 43 of this Act applies of amusements with prizes. Provision of amusements with prizes at certain non-commercial entertainments.

(2) Nothing in section 32, 33, 34, 41 or 42 of this Act shall apply in relation to amusements with prizes provided as an incident of such an entertainment as aforesaid; but, in relation to any such amusement to which any of those sections would apply but for this subsection, the conditions set out in subsection (3) of this section shall be observed, and if either of

PART IV

those conditions is contravened every person concerned in the provision or conduct of that amusement shall be guilty of an offence unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it.

(3) The conditions referred to in the last foregoing subsection are—

(a) that the whole proceeds of the entertainment (including the proceeds of any amusements to which this subsection applies) after deducting—

(i) the expenses of the entertainment, including any expenses incurred in connection with any such amusements and the provision of prizes thereat; and

(ii) any other amounts authorised to be deducted by section 43 (2) (a) of this Act,

will be devoted to purposes other than private gain; and

(b) that the opportunity to win prizes at amusements to which this subsection applies, or that opportunity together with facilities offered by virtue of section 43 of this Act for participating in a lottery or by virtue of section 37 of this Act for taking part in gaming, is not the only, or the only substantial, inducement to persons to attend the entertainment.

Provision of amusements with prizes at certain commercial entertainments.

49.—(1) The provisions of this section shall have effect for the purpose of permitting the provision of amusements with prizes—

(a) on any premises in respect of which a permit for the provision thereon of such amusements has been granted by the local authority, and is, for the time being in force, under Schedule 6 to this Act; and

(b) at any pleasure fair consisting wholly or mainly of amusements provided by travelling showmen which is held on any day of a year on premises not previously used in that year on more than twenty-seven days for the holding of such a pleasure fair.

(2) Nothing in section 32, 33, 34, 41 or 42 of this Act shall apply in relation to amusements with prizes provided on such premises as are mentioned in subsection (1) (a) or at such a pleasure fair as is mentioned in subsection (1) (b) of this section; but, in relation to any such amusement to which any of those sections would apply but for this subsection, the conditions set out in subsection (3) of this section shall be observed, and if any of those conditions is contravened every person concerned in the provision or conduct of that amusement shall be guilty of

an offence unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it.

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(3) The conditions referred to in the last foregoing subsection are—

- (a) that the amount paid by any person for any one chance to win a prize does not exceed one shilling ;
- (b) that the aggregate amount taken by way of the sale of chances in any one determination of winners, if any, of prizes does not exceed fifty shillings, and that the sale of those chances and the declaration of the result take place on the same day and on the premises on which, and during the time when, the amusement is provided ;
- (c) that no money prize is distributed or offered which exceeds one shilling ;
- (d) that the winning of, or the purchase of a chance to win, a prize does not entitle any person, whether or not subject to a further payment by him, to any further opportunity to win money or money's worth by taking part in any amusement with prizes or in any gaming or lottery ;
- (e) in the case of such a pleasure fair as is mentioned in subsection (1) (b) of this section, that the opportunity to win prizes at amusements to which this subsection applies is not the only, or the only substantial, inducement to persons to attend the fair.

(4) Where any amusement with prizes takes the form of a game played by means of a machine, being a game which is made playable by the insertion of a coin or coins into the machine, then, notwithstanding that, in addition to a money prize, a successful player receives the opportunity to play the game again without the insertion of another coin, the condition set out in subsection (3) (d) of this section shall not be deemed to be contravened if the aggregate amount which can be won by the player without inserting another coin does not exceed one shilling.

50.—(1) Nothing in section 32, 33, 34, 41 or 42 of this Act shall apply to a game played by means of a machine in accordance with the conditions set out in subsection (2) of this section. Amusement machines.

(2) The conditions referred to in the foregoing subsection are that—

- (a) the game is made playable by the insertion of a coin or coins into the machine by means of which it is played ; and

PART IV

(b) a successful player neither receives nor is offered any benefit other than—

(i) the opportunity, afforded by the automatic action of the machine, to play the game again without the insertion of another coin; or

(ii) the delivery by the machine of a coin or coins of a value or aggregate value not exceeding that required in order to play the game once.

PART V

GENERAL

Search warrants.

51.—(1) If a justice of the peace is satisfied on information on oath that there is reasonable ground for suspecting that an offence under this Act is being, has been or is about to be committed on any premises, he may issue a warrant in writing authorising any constable to enter those premises, if necessary by force, at any time within fourteen days from the time of the issue of the warrant and search them; and any constable who enters the premises under the authority of the warrant may—

(a) seize and remove any document, money or valuable thing, instrument or other thing whatsoever found on the premises which he has reasonable cause to believe may be required as evidence for the purposes of proceedings in respect of any such offence; and

(b) arrest and search any person found on the premises whom he has reasonable cause to believe to be committing or to have committed any such offence.

(2) In its application to Scotland the foregoing subsection shall have effect as if for the reference to a justice of the peace there were substituted a reference to the sheriff or a magistrate or justice of the peace having jurisdiction in the place where the premises are situated.

Penalties and forfeitures.

52.—(1) A person guilty of an offence under any of the following provisions of this Act, that is to say, sections 1 (1), 2 (1), 4, 5, 6, 16, 32 (4), 42, 43, 44, 45 and 47, paragraph 29 of Schedule 2 and paragraph 17 of Schedule 5, shall be liable—

(a) on summary conviction, to a fine not exceeding one hundred pounds or, in the case of a second or any subsequent conviction for an offence under the same provision, to imprisonment for a term not exceeding three months or to a fine not exceeding two hundred pounds or to both; or

(b) on conviction on indictment, to a fine not exceeding five hundred pounds or, in the case of a second or any subsequent conviction for an offence under the same provision, to imprisonment for a term not exceeding one year or to a fine not exceeding seven hundred and fifty pounds or to both.

(2) A person guilty of an offence under any provision of this Act not mentioned in the foregoing subsection, being a provision which does not specify any other penalty, shall be liable—

(a) on summary conviction, to a fine not exceeding fifty pounds or, in the case of a second or any subsequent conviction for an offence under the same provision, to imprisonment for a term not exceeding two months or to a fine not exceeding one hundred pounds or to both; or

(b) on conviction on indictment, to a fine not exceeding three hundred pounds or, in the case of a second or any subsequent conviction for an offence under the same provision, to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred pounds or to both.

(3) Subject to section 8 (3) of this Act, for the purposes of any provision of this Act with respect to a second or subsequent conviction, a conviction for an offence under any provision repealed by this Act shall be deemed to have been a conviction for the like offence under the corresponding provision of this Act.

(4) The court by or before whom a person is convicted of any offence under this Act may order anything produced to the court and shown to the satisfaction of the court to relate to the offence to be forfeited and either destroyed or dealt with in such other manner as the court may order.

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

(2) In the foregoing subsection, the expression “director”, in relation to a body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

PART V
Construction
of certain
references to
private gain.

54.—(1) In construing section 33, 37, 43 or 48 of this Act, proceeds of any entertainment, lottery, gaming or amusement promoted on behalf of a society to which this subsection extends which are applied for any purpose calculated to benefit the society as a whole shall not be held to be applied for purposes of private gain by reason only that their application for that purpose results in benefit to any person as an individual.

(2) For the purposes of the said sections 33, 37 and 48, where any payment falls to be made by way of a hiring, maintenance or other charge in respect of a gaming machine within the meaning of the said section 33 or in respect of any equipment for holding a lottery or gaming at any entertainment, then if, but only if, the amount of that charge falls to be determined wholly or partly by reference to the extent to which that or some other such machine or equipment is used for the purposes of lotteries or gaming, that payment shall be held to be an application of the stakes hazarded or proceeds of the entertainment, as the case may require, for purposes of private gain; and accordingly any reference in the said section 37 or 48 to expenses shall not include a reference to any such charge falling to be so determined.

(3) Subsection (1) of this section extends to any society which is established and conducted either—

- (a) wholly for purposes other than purposes of any commercial undertaking; or
- (b) wholly or mainly for the purpose of participation in or support of athletic sports or athletic games;

and in this section the expression “society” includes any club, institution, organisation or association of persons, by whatever name called, and any separate branch or section of such a club, institution, organisation or association.

Interpretation,
etc.—general.

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

- “approved horse racecourse” means any ground in respect of which there is for the time being in force a certificate of approval of that ground as a horse racecourse issued by the Totalisator Board under section 13 of this Act;
- “betting agency permit” has the meaning assigned by section 9 (2) of this Act;
- “betting office licence” has the meaning assigned by section 9 (1) of this Act;

“ **betting transaction** ” includes the collection or payment of winnings on a bet and any transaction in which one or more of the parties is acting as a bookmaker ;

“ **bookmaker** ” means any person other than the Totalisator Board who—

(a) whether on his own account or as servant or agent to any other person, carries on, whether occasionally or regularly, the business of receiving or negotiating bets or conducting pool betting operations ; or

(b) by way of business in any manner holds himself out, or permits himself to be held out, as a person who receives or negotiates bets or conducts such operations,

so, however, that a person shall not be deemed to be a bookmaker by reason only of the fact—

(i) that he carries on, or is employed in, sponsored pool betting business ; or

(ii) that he operates, or is employed in operating, a totalisator ;

and the expression “ **bookmaking** ” shall be construed accordingly ;

“ **Bookmakers’ Committee** ” means the committee established in accordance with section 26 of this Act ;

“ **bookmaker’s permit** ” has the meaning assigned by section 2 (1) of this Act ;

“ **contravention** ”, in relation to any requirement, includes a failure to comply with that requirement, and cognate expressions shall be construed accordingly ;

“ **dog race** ” means a race in which an object propelled by mechanical means is pursued by dogs, and “ **dog race-course** ” shall be construed accordingly ;

“ **game of chance** ” includes a game of chance and skill combined and a pretended game of chance or of chance and skill combined, but does not include any athletic game or sport ;

“ **gaming** ” means the playing of a game of chance for winnings in money or money’s worth ;

“ **the Levy Board** ” means the Horserace Betting Levy Board established in accordance with section 24 of this Act ;

“ **levy period** ” has the meaning assigned by section 27 (1) of this Act ;

PART V

- “ licensed betting office ” means premises in respect of which a betting office licence is for the time being in force ;
- “ licensed track ” means a track in respect of which a track betting licence is for the time being in force ;
- “ licensee ” in relation to a licensed betting office, means the holder of the betting office licence for the time being in force in respect of that office ;
- “ money ” includes a cheque, banknote, postal order or money order ;
- “ newspaper ”, in Part III of this Act, includes any journal, magazine or other periodical publication ;
- “ player ”, in relation to a game of chance, includes any person taking part in the game against whom other persons taking part in the game stake, play or bet ;
- “ pool betting ” has the same meaning as for the purposes of the Betting Duties Act 1963 ;
- “ pool betting business ” means business involving the receiving or negotiating of bets made by way of pool betting ;
- “ premises ” includes any place and, in sections 1, 32 and 33 of this Act, also includes any vessel ;
- “ prescribed ” means prescribed by regulations made by the Secretary of State by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, and any such regulations may make different provision for different circumstances ;
- “ qualified accountant ” 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 section 161 (1) (a) of the Companies Act 1948 by the Board of Trade ;

- “ recognised horse race ” means a horse race run on an approved horse racecourse on a day when horse races and no other races take place on that racecourse ;
- “ registered pool promoter ” has the meaning assigned by section 4 (2) of this Act ;
- “ sponsored pool betting ” means pool betting by means of facilities provided by the Totalisator Board or provided on an approved horse racecourse with the authority of that Board by the persons having the management of that racecourse ;
- “ ticket ”, in relation to any lottery or proposed lottery, includes any document evidencing the claim of a person to participate in the chances of the lottery ;
- “ totalisator ” means the contrivance for betting known as the totalisator or pari mutuel, or any other machine or instrument of betting of a like nature, whether mechanically operated or not ;
- “ the Totalisator Board ” means the Horserace Totalisator Board established in accordance with section 12 of this Act ;
- “ track ” means premises on which races of any description, athletic sports or other sporting events take place ;
- “ track betting licence ” has the meaning assigned by section 6 (1) of this Act ;
- “ winnings ” includes winnings of any kind and any reference to the amount or to the payment of winnings shall be construed accordingly.

(2) For the purposes of Part III of this Act—

- (a) references to printing shall be construed as including references to writing and other modes of representing or reproducing words in a visible form ; and
- (b) documents or other matters shall be deemed to be distributed if they are distributed to persons or places whether within or outside Great Britain, and the expression “ distribution ” shall be construed accordingly.

(3) Section 8 of the Summary Jurisdiction (Appeals) Act 1933 (which prescribes the courts for the hearing of certain appeals to quarter sessions for the county of London) shall apply to an appeal under any of the following provisions of this Act, that is to say, paragraphs 21 and 28 of Schedule 1, paragraph 6 of Schedule 2, paragraph 13 of Schedule 3, paragraph 6 of Schedule 6 and paragraph 5 of Schedule 7, as they apply to an appeal from a magistrates' court.

PART V

(4) Any power to make an act of sederunt conferred on the Court of Session by this Act shall be exercisable by statutory instrument, and the Statutory Instruments Act 1946 shall apply to any instrument made in pursuance of such a power or of the power conferred on the Lord President of the Court of Session by section 29 (3) of this Act in like manner as if that power had been conferred on a Minister of the Crown.

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

Consequential amendments in other Acts.

56.—(1) For so much of section 11 of the Gaming Act 1845 as follows the words “kept or used” there shall be substituted the words “shall be liable—

- (a) on summary conviction, to a fine not exceeding fifty pounds or, in the case of a second or any subsequent conviction for the like offence, to imprisonment for a term not exceeding two months or to a fine not exceeding one hundred pounds or to both ; or
- (b) on conviction on indictment, to a fine not exceeding three hundred pounds or, in the case of a second or any subsequent conviction for the like offence, to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred pounds or to both ;

and every person licensed under this Act who shall not during the continuance of such billiard licence put and keep up the words “licensed for billiards” legibly printed in some conspicuous place near the door and on the outside of the house specified in the licence shall be liable on summary conviction to a fine not exceeding ten pounds.”

(2) For section 141 (2) of the Licensing Act 1953 there shall be substituted the following, that is to say—

“(2) The conviction of the holder of a justices’ licence of an offence in connection with his premises under section 1 (1) of the Betting, Gaming and Lotteries Act 1963 shall for the purposes of this Act be deemed to be a conviction of an offence under this section.”

(3) In section 3 (10) of the Licensing Act 1961—

- (a) in paragraph (c), for the reference to section 26 of the Betting and Gaming Act 1960 there shall be substituted a reference to section 40 of this Act ;
- (b) in paragraph (d), for the reference to section 3 (2) of the Betting and Lotteries Act 1934 and section 1 (2) of the said Act of 1960 there shall be substituted a reference to section 1 (1) of this Act.

57.—(1) The enactments specified in Schedule 8 to this Act are hereby repealed to the extent respectively specified in the third column of that Schedule. PART V
Repeals and savings.

(2) Where any provision contained in any local Act passed before the Betting and Gaming Act 1960 appears to the Secretary of State to have been superseded by, or to be inconsistent with, any enactment contained in this Act, being an enactment corresponding to any enactment in the said Act of 1960 which is repealed by this Act, the Secretary of State may by order made by statutory instrument, a draft of which shall be laid before Parliament, specify that provision for the purposes of this subsection; and, without prejudice to the operation in the meantime of any rule of law relating to the effect on any such provision of any such enactment, any provision so specified is hereby repealed as from the date of the making of the order.

(3) Any regulation, licence, permit, register or other instrument or document whatsoever made, issued or kept, and any other thing done, under or by virtue of any of the enactments repealed by this Act shall be deemed for the purposes of this Act to have been made or issued, to be kept, or to have been done, as the case may be, under the corresponding provision of this Act; and anything begun under any of the said enactments may be continued under this Act as if begun under this Act.

(4) So much of any enactment or document as refers expressly or by implication to any enactment repealed by this Act shall, if and so far as the context permits, be construed as referring to this Act or the corresponding enactment therein.

(5) Nothing in this section or in section 56 (3) of this Act shall be taken as affecting the general application of section 38 of the Interpretation Act 1889 with regard to the effect of repeals.

58.—(1) This Act may be cited as the Betting, Gaming and Lotteries Act 1963. Short title,
extent and
commence-
ment.

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

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

Sections 2, 9.

SCHEDULES**SCHEDULE 1****BOOKMAKER'S PERMITS, BETTING AGENCY PERMITS AND BETTING OFFICE LICENCES***Introductory*

1. The authority responsible for the grant or renewal of bookmaker's permits, betting agency permits and betting office licences shall be—

(a) in any petty sessions area in England, a committee constituted in the prescribed manner of not less than five nor more than fifteen of the justices acting for that area, who may sit in two or more divisions, the quorum at any meeting of that committee or a division thereof being three ;

(b) in any licensing area within the meaning of the Licensing (Scotland) Act 1959, the licensing court constituted for that area under section 1 or 2 of that Act.

2. In this Schedule, the following expressions have the following meanings respectively, that is to say—

“appropriate authority” means such a committee or court as are mentioned in paragraph 1 of this Schedule and, in relation to a bookmaker's permit or betting agency permit or in relation to an application for the grant or renewal of a betting office licence, means, subject to paragraph 10 of this Schedule, the committee or court such as aforesaid for the petty sessions area or licensing area in which the relevant premises are, or are to be, situated ;

“appropriate local authority” means—

(a) in England, the local authority (being the council of a county borough, metropolitan borough or county district or the Common Council of the City of London) within whose area the relevant premises are, or are to be, situated ;

(b) in Scotland, where the relevant premises are, or are to be, situated in a burgh, the council of that burgh, and in any other case the council of the county, and the council of the district, within which the relevant premises are, or are to be, situated ;

“appropriate officer of police” means the chief officer of police for the police area in which the relevant premises are, or are to be, situated ;

“clerk to the appropriate authority”, where the authority is a committee of the justices acting for a petty sessions area, means the clerk to those justices or, if there are two or more clerks to those justices—

(a) such one of those clerks as the magistrates' courts committee having power over the appointment of clerks to justices for that area may direct ; or

(b) in default of any such direction, any of those clerks ; SCH. 1

“ relevant premises ” means—

(a) in relation to a bookmaker’s permit or betting agency permit, the premises at which for the time being the applicant for or holder of the permit has his office or, if he has more than one office, his principal office or, if he is a company, his registered office or, if he has no office, his usual place of residence ;

(b) in relation to an application for the grant or renewal of a betting office licence, the premises in respect of which the application is made.

Applications for grant of permit or licence

3. Each appropriate authority shall for each year fix a day in each of the months of—

(a) January, April, July and October if the authority is in England ; or

(b) January, March, June and October if the authority is in Scotland,

as a day on which, subject to paragraph 7 of this Schedule, they will hold a meeting for the purpose of considering any application for the grant of a bookmaker’s permit, betting agency permit or betting office licence then awaiting consideration.

4. In addition to any meeting on a day fixed in pursuance of the last foregoing paragraph, an appropriate authority may hold a meeting on any other day for the purpose of considering such applications as aforesaid.

5. Any such application as aforesaid may be made at any time and shall be made to the clerk to the appropriate authority in such form and manner, and shall contain such particulars, and, if the application is for a permit, give such references, as may be prescribed ; and, not later than seven days after the date when the application is made, the applicant shall send a copy of the application to the appropriate officer of police and, in the case of an application for the grant of a betting office licence, to the appropriate local authority ; and if the applicant knowingly makes any false statement in any such application or copy thereof he shall be liable on summary conviction to a fine not exceeding fifty pounds.

6. Not later than fourteen days after the making of any such application as aforesaid to the appropriate authority, the applicant shall cause to be published by means of an advertisement in a newspaper circulating in the authority’s area a notice of the making of the application which shall also state that any person who desires to object to the grant of the permit or licence should send to the clerk to the authority, before such date not earlier than fourteen days after the publication of the advertisement as may be specified in the notice, two copies of a brief statement in writing of the grounds of his objection ; and, in the case of an application for the grant of a betting office licence in respect of any premises, the applicant shall also cause a like notice to be posted up outside the entrance, or on the site of the proposed entrance, to the premises

SCH. 1. not later than fourteen days before the date specified as aforesaid and take such steps as he reasonably can to keep that notice so posted until that date.

7. Not later than seven days after the publication of the newspaper containing the advertisement of any such application as aforesaid required by the last foregoing paragraph, the applicant shall send a copy of that newspaper to the clerk to the appropriate authority, and the authority shall not consider the application earlier than fourteen days after the date specified in the advertisement; and, not earlier than the said date and not less than seven days before the date appointed for the consideration of the application, the clerk to the authority shall send notice in writing of the date, time and place of the meeting of the authority at which the application will be considered—

- (a) to the applicant;
- (b) to the appropriate officer of police; and
- (c) if the clerk has received from any person an objection in writing which has not been withdrawn and the address of that person is known to the clerk, to that person,

and also cause notice of that meeting to be displayed at the place where the meeting is to be held in a position where the notice may conveniently be read by members of the public; and in sending such a notice to the applicant the clerk shall include therewith a copy of any objection to the grant of the permit or licence which has been received by the clerk from the appropriate officer of police, the appropriate local authority or any other person.

Applications for renewal of permit or licence

8. Each appropriate authority, in each year in which any application for the renewal of a bookmaker's permit, betting agency permit or betting office licence, other than an application to which paragraph 10 (b) of this Schedule applies, falls to be made to the authority, shall in the month of February (if the authority are in England) or January (if the authority are in Scotland) give in writing to the holder of that permit or licence, and cause to be published by means of an advertisement in a newspaper circulating in their area, notice of a day in April (if the authority are in England) or March (if the authority are in Scotland) on which they will hold a meeting for the purpose of considering such applications, and that notice shall include the time and place appointed for the meeting and shall state—

- (a) in the case of the notice given to the holder of any permit or licence, that any such application must be received by the clerk to the authority before a specified date, being a date not earlier than fourteen days after both the giving of the notice in writing and the publication of the advertisement aforesaid;
- (b) in the case of the notice given by advertisement, that any person who desires to object to the renewal by the authority of any particular permit or licence should send to the clerk to the authority before the same date two copies of a brief statement in writing of the grounds of his objection.

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9. Any application for the renewal of such a permit or licence as aforesaid, other than an application to which paragraph 10 (b) of this Schedule applies, shall be made to the clerk to the appropriate authority before the date specified for the purpose in the notice given in pursuance of the last foregoing paragraph, and shall be in such form and contain such particulars as may be prescribed ; and, not earlier than that date nor later than seven days before the day in April or, as the case may be, March appointed by the said notice for the consideration of such applications, the clerk to the authority—

- (a) if he has received from any person an objection in writing to the renewal of a particular permit or licence (being an objection which has not been withdrawn) and the address of that person is known to the clerk, shall send to that person in writing a notification as to whether or not an application for the renewal of that permit or licence has been made ;
- (b) shall send to the person by whom any application for the renewal of a permit or licence has been duly made a copy of any objection to the renewal which he has received from the appropriate officer of police, the appropriate local authority or any other person and which has not been withdrawn.

10. Where in any year, by reason of a change in the office or usual place of residence of the holder of a bookmaker's permit or betting agency permit, an application for the renewal of that permit falls, or would but for this paragraph fall, to be made to an authority other than the authority by whom the permit was last either granted or renewed, then—

- (a) unless the change takes place before 1st February or, where the first-mentioned authority are in Scotland, 1st January in that year, any application for the renewal of the permit shall be made to and considered by the authority by whom the permit was last either granted or renewed ;
- (b) if the change takes place before the said 1st February or, as the case may be, 1st January, paragraphs 5 to 7 of this Schedule shall apply to an application to the first-mentioned authority for the renewal of the permit as if it were an application for the grant thereof.

Proceedings before appropriate authority

11. On any application for the grant or renewal of a bookmaker's permit, betting agency permit or betting office licence, the appropriate authority may grant or renew the permit or licence without hearing the applicant if no objection to the grant or renewal has been made by any person or if every such objection has been withdrawn before the beginning of the meeting of the authority at which the authority considers the application ; but, save as aforesaid, at any such meeting any of the following persons, that is to say—

- (a) the applicant ;

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- (c) any conviction for an offence under section 1 (2) of the Betting and Gaming Act 1960 committed before the said 1st December,

and, without prejudice to their power under paragraph 13 of this Schedule to adjourn consideration of the application, shall also disregard—

- (i) any proceedings for such an offence as is mentioned in section 11 (1) of this Act which have been commenced but not yet determined ; and
 (ii) any cancellation of a permit under the said section 11 (1) or under paragraph 27 of this Schedule which has not yet taken effect.

Grounds for refusal to grant or renew betting office licence

19. In the case of an application for the grant or renewal of a betting office licence in respect of any premises, the appropriate authority—

- (a) shall refuse the application if they are not satisfied—

(i) in the case of an applicant other than the Totalisator Board, that on the date with effect from which the licence would come into force, or, as the case may be, would be continued in force, the applicant will be the holder either of a bookmaker's permit or of a betting agency permit ; and

(ii) that the premises are or will be enclosed ; and

(iii) that there are or will be means of access between the premises and a street otherwise than through other premises used for the effecting with persons resorting to those other premises of transactions other than betting transactions ;

- (b) may refuse the application on the ground—

(i) that, having regard to the lay-out, character, condition or location of the premises, they are not suitable for use as a licensed betting office ; or

(ii) that the grant or renewal would be inexpedient having regard to the demand for the time being in the locality for the facilities afforded by licensed betting offices and to the number of such offices for the time being available to meet that demand ; or

(iii) that the premises have not been properly conducted under the licence.

Grant or renewal of permit or licence

20.—(1) Save as provided by paragraphs 15 to 19 of this Schedule, the appropriate authority shall not refuse any application for the grant or renewal of a bookmaker's permit, betting agency permit or betting office licence made, so far as lies within the control of the applicant, in accordance with the provisions of this Act, but shall grant or renew the permit or licence on payment by the applicant to the clerk to the authority of a fee of—

- (a) in the case of the grant of a bookmaker's permit, one hundred pounds ;

(b) in the case of the grant of a betting agency permit, five pounds ; SCH. 1

(c) in the case of the renewal of a bookmaker's permit or betting agency permit or the grant or renewal of a betting office licence, one pound ;

and if the authority refuse any such application they shall state the grounds of their refusal.

(2) The clerk to any appropriate authority in Scotland shall pay over all fees received by him under this paragraph to the local authority liable under section 21 of the Licensing (Scotland) Act 1959 to defray the expenses of that appropriate authority ; and that local authority shall pay to that clerk, in respect of anything done by him under this Act, such fees as the Court of Session may by act of sederunt prescribe.

Appeals against refusals in England

21.—(1) Where an appropriate authority in England refuse an application for the grant or renewal of a bookmaker's permit, betting agency permit or betting office licence, they shall forthwith notify the applicant of the refusal, and within fourteen days of being so notified the applicant may by notice to the clerk to the authority appeal against the refusal to a court of quarter sessions having jurisdiction in the authority's area.

(2) As soon as practicable after receiving notice of appeal against the refusal, the clerk to the authority shall send the notice to the clerk of the peace together with a statement of the decision from which the appeal is brought and of the name and last known residence or place of business of the appellant and of any person who opposed the application before the authority.

(3) On receipt of the notice of appeal, the clerk of the peace shall enter the appeal and give in writing not less than seven days notice to the appellant, to the appropriate officer of police and to any person who opposed the application before the authority and, if the appeal relates to a betting office licence, to the authority, of the date, time and place appointed for the hearing of the appeal.

(4) The court of quarter sessions may by its order either—

(a) confirm the refusal ; or

(b) on payment by the appellant to the clerk of the peace for transmission to the clerk to the appropriate authority of the appropriate fee under paragraph 20 of this Schedule, grant or renew the permit or licence in the same way as the appropriate authority could have done ;

and the judgment of the court of quarter sessions on the appeal shall be final.

(5) A justice shall not act in the hearing or determination of an appeal under this paragraph from any decision in which he took part.

(6) For the purposes of paragraphs 10, 33 and 34 of this Schedule, the grant or renewal of a permit or licence by a court of quarter sessions under this paragraph shall be treated as if it were a grant or renewal by the appropriate authority who refused it.

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22. On determining any appeal under paragraph 21 of this Schedule, or on being satisfied that the appellant, after giving notice of such an appeal, has failed to prosecute it, the court of quarter sessions may make such order as it thinks fit for the payment of costs by or to the appellant or any person who opposed the application before the appropriate authority or, if the appeal relates to a betting office licence, the appropriate authority to or by any other of those persons, and any costs ordered to be paid under this paragraph shall be recoverable summarily as a civil debt.

23.—(1) Where, in the case of an appeal under paragraph 21 of this Schedule with respect to a betting office licence, the court of quarter sessions—

(a) has allowed the appeal; or

(b) has awarded the appropriate authority any costs under paragraph 22 of this Schedule and is satisfied that the appropriate authority cannot recover those costs,

the court shall order payment out of local funds of such sums as appear to the court sufficient to indemnify the appropriate authority from all costs and charges whatever to which they have been put in consequence of the appellant's having served notice of appeal.

(2) Costs payable out of local funds under this paragraph shall be paid—

(a) if the appropriate authority's area is a borough having a separate court of quarter sessions, out of the general rate fund of the borough;

(b) in any other case, out of the county fund of the county in which the appropriate authority's area is situated.

(3) Sections 8 (1) and 11 (1) of the Costs in Criminal Cases Act 1952 (which make provision for payment out of local funds of costs ordered to be paid under that Act) shall apply to costs ordered to be paid under this paragraph as if any reference in those provisions to a county borough were a reference to a borough having a separate court of quarter sessions.

(4) An order of a court of quarter sessions under this paragraph may be made either at the sessions at which the appeal is heard, or at which it would have been heard if the appeal had been prosecuted, or at the next following sessions; and the costs may be taxed either in or out of sessions.

Appeals against refusals in Scotland

24.—(1) Where an appropriate authority in Scotland refuse any application for the grant or renewal of a bookmaker's permit, betting agency permit or betting office licence, the authority shall forthwith notify the applicant of the refusal and he may appeal, within such time, and in accordance with such rules, as may be prescribed by the Court of Session by act of sederunt, to the sheriff having jurisdiction in the authority's area.

(2) On any such appeal the sheriff may either—

(a) confirm the refusal; or

(b) on payment by the appellant to the sheriff clerk for transmission to the clerk to the appropriate authority of the appropriate fee under paragraph 20 of this Schedule, grant or renew the permit or licence in the same way as the appropriate authority could have done ;

and the decision of the sheriff on any such appeal shall be final and may include such order as to the expenses of the appeal as he thinks proper.

(3) For the purposes of paragraphs 10, 33 and 34 of this Schedule, the grant or renewal of a permit or licence by the sheriff under this paragraph shall be treated as if it were a grant or renewal by the appropriate authority who refused it.

Notification of change in directors during currency of bookmaker's permit

25. If, where the holder of a bookmaker's permit is a body corporate, any change occurs in the persons who are directors thereof or in accordance with whose directions or instructions the directors thereof are accustomed to act, the holder of the permit shall as soon as reasonably practicable after the occurrence of the change give particulars thereof in writing to the clerk to the appropriate authority and to the appropriate officer of police ; and if the holder of the permit fails to comply with this paragraph he shall be liable on summary conviction to a fine not exceeding ten pounds.

Cancellation of bookmaker's permit by appropriate authority

26. If in the case of any bookmaker's permit an application is made at any time to the clerk to the appropriate authority by any person in the prescribed form and manner requesting that the permit be forfeited and cancelled and accompanied by two copies of a statement of the grounds on which the application is made, the clerk to the authority shall submit the application to any one member of the authority who, after considering the statement accompanying the application—

(a) if he is of opinion—

(i) that further consideration of the matters referred to in that statement is unnecessary or inexpedient before the renewal of the permit falls to be considered ; or

(ii) that the authority would be required by virtue of paragraph 27 (3) of this Schedule to refuse the application,

shall cause notice in writing to be given to the applicant that the application is refused without prejudice to the raising of the same matters by way of objection in accordance with the provisions of this Schedule to a renewal of the permit ;

(b) unless he is of such opinion as aforesaid shall refer the application to the appropriate authority.

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27.—(1) Where an application for the cancellation of a permit is referred to the appropriate authority under the last foregoing paragraph, the clerk to the authority shall, unless the application has been withdrawn, give to the applicant, to the holder of the permit and to the appropriate officer of police not less than twenty-one days notice in writing of the date, time and place appointed for the consideration of the application by the authority, and shall send to the holder of the permit together with that notice a copy of the applicant's statement of the grounds on which the application is made.

(2) Subject to the next following sub-paragraph, at any meeting of the appropriate authority to consider the application, the applicant and the holder of the permit shall be entitled to be heard either in person or by counsel or a solicitor; and where the applicant is a person other than the appropriate officer of police, the authority shall also hear any representations made by, or by any person authorised in that behalf by, that officer; and paragraphs 13 and 14 of this Schedule shall apply in relation to the application as they apply in relation to an application for the renewal of a permit, subject to the following modifications of the said paragraph 14, that is to say—

- (a) as if the reference therein to the applicant for renewal were a reference to the holder of the permit; and
- (b) as if the reference therein to any person who made an objection as mentioned in that paragraph were a reference to the person by whom the application under paragraph 26 of this Schedule was made.

(3) The appropriate authority shall refuse the application if they are satisfied that it is made on grounds which—

- (a) have been or ought properly to have been raised previously by way of objection either when the permit was granted or on an occasion when it has been renewed; or
- (b) are or have been the subject matter of proceedings for such an offence as is mentioned in section 11 (1) of this Act.

(4) The appropriate authority shall not cancel the permit unless—

- (a) satisfactory evidence is produced that the holder is no longer a fit and proper person to hold such a permit; or
- (b) the authority are satisfied that the business to which it relates is being managed by, or carried on for the benefit of, a person other than the holder, being a person who would himself be refused the grant of such a permit either under paragraph 15 or under paragraph 16 (1) (a) of this Schedule:

Provided that for the purposes of this sub-paragraph the authority shall disregard any conviction such as is mentioned in paragraph 18 of this Schedule.

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(5) If the appropriate authority decide not to cancel the permit, they shall cause notice in writing to be given to the applicant that the application is refused without prejudice to the raising of the same matters by way of objection in accordance with the provisions of this Schedule to a renewal of the permit.

(6) If the appropriate authority decide to forfeit and cancel the permit, the forfeiture and cancellation shall not take effect—

- (a) until the expiration of the time within which notice of an appeal under the next following paragraph may be given ; or
- (b) if such notice is duly given, until the determination or abandonment of the appeal.

28.—(1) Where the appropriate authority decide to forfeit and cancel a bookmaker's permit on an application under paragraph 26 of this Schedule, the holder of the permit may appeal against that decision to a court of quarter sessions (or in Scotland the sheriff) having jurisdiction in the authority's area, whose decision on the appeal shall be final.

(2) Paragraphs 21 (except sub-paragraphs (4) and (6) thereof), and 22 (or, as the case may be, paragraph 24 (1)) of this Schedule shall apply for the purposes of an appeal under this paragraph against the forfeiture and cancellation of a bookmaker's permit as they apply for the purposes of an appeal against the refusal of an application for the renewal of such a permit subject to the following modifications, that is to say—

- (a) as if any reference therein to the applicant for renewal were a reference to the holder of the permit ; and
- (b) as if any reference therein to a person who opposed the application before the appropriate authority were a reference to the person by whom the application under paragraph 26 of this Schedule was made ;

and, in the case of an appeal to the sheriff under this paragraph, the sheriff may make such order as to the expenses of the appeal as he thinks proper.

Duration of permit or licence

29. A bookmaker's permit, betting agency permit or betting office licence shall be in the prescribed form and shall show the date with effect from which it is to be, or, as the case may be, to be continued, in force and, subject to paragraphs 30 to 33 of this Schedule, shall, unless renewed or, as the case may be, further renewed, cease to be in force at the end of 31st May falling not less than three nor more than fifteen months after the date so shown and shall not be transferable.

30. Where application for the renewal of such a permit or licence as aforesaid has been made, so far as lies within the control of the applicant, in accordance with the provisions of this Act, the permit or licence shall not cease to be in force by virtue of paragraph 29 of this Schedule before the appropriate authority make their determination on the application.

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31. Where the appropriate authority refuse to renew any such permit or licence as aforesaid, the permit or licence shall not cease to be in force by virtue of paragraph 29 of this Schedule before the expiration of the time within which notice of an appeal under paragraph 21 or, as the case may be, paragraph 24 of this Schedule may be given nor, if such notice is duly given, before the determination or abandonment of the appeal.

32. A betting office licence held by the holder of a bookmaker's permit or betting agency permit shall cease to be in force upon that permit ceasing to be in force, whether by virtue of paragraph 29 of this Schedule or by virtue of its cancellation under section 11 (1) of this Act or under paragraph 27 of this Schedule.

33. In the event of the death of the holder of such a permit or licence as aforesaid, then during the period of six months commencing with the death the permit or licence shall not cease to be in force by virtue of paragraph 29 of this Schedule and, except for the purposes of a renewal of that permit or licence, his legal personal representatives shall be deemed to be the holder thereof; and the authority by whom the permit or licence was last either granted or renewed may from time to time, on the application of those representatives, extend or further extend the said period of six months if the authority are satisfied that the extension is necessary for the purpose of winding up the deceased's estate and that no other circumstances make it undesirable.

Registers of permits and licences

34. The clerk to each appropriate authority shall keep registers in the prescribed form and containing the prescribed particulars of all bookmaker's permits, betting agency permits and betting office licences granted or renewed by that authority, and any such register shall be open during reasonable hours for inspection by any constable or, on payment of the prescribed fee, by any other person.

Service of documents

35. Any provision of this Schedule requiring any notice or other document to be given or sent to any person by the clerk to an appropriate authority or by the clerk of the peace shall be deemed to be satisfied if the document is either served personally on that person or sent to him by post at his usual or last-known residence or place of business in the United Kingdom, or, in the case of a company, at the company's registered office.

Provision of information

36. The clerk to each appropriate authority shall send to the Levy Board such particulars of any bookmaker's permit granted or renewed by, or by the court who determined any appeal from, that authority as the Secretary of State may by regulations made by statutory instrument direct.

37. The clerk to any appropriate authority shall furnish the Secretary of State with such statistical information at such times as the Secretary of State may from time to time require with respect to the performance by the authority of their functions under this

Schedule ; and the Secretary of State shall in respect of each period of twelve months ending with 31st May in any year lay before each House of Parliament a report containing, in such form as may appear to him convenient, statistical information with respect to the grant, renewal, cancellation and expiry without renewal of bookmakers' permits, betting agency permits and betting office licences respectively in England or, as the case may be, Scotland during that period.

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SCHEDULE 2

Section 4.

REGISTERED POOL PROMOTERS

Registering authorities

1.—(1) Subject to the provisions of this paragraph, each of the following councils shall be the registering authority for their area for the purposes of this Schedule, that is to say—

- (a) in England, the council of any county or county borough ;
- (b) in Scotland, the council of any county or large burgh.

(2) For the purposes of paragraph (b) of the foregoing sub-paragraph—

- (a) a county shall be deemed to include any small burgh, and not to include any large burgh, situated therein, and section 118 of the Local Government (Scotland) Act 1947 (which relates to the combination of certain counties for certain purposes) shall have effect accordingly ;
- (b) the expressions “small burgh” and “large burgh” have the same meanings as in the said Act of 1947.

(3) Any such council as aforesaid may delegate their functions under this Schedule to a committee consisting of members of the council.

(4) Any two or more councils such as aforesaid may combine in delegating their functions under this Schedule to a joint committee consisting of members of the constituent councils.

(5) In England, a county council may delegate their functions under this Schedule to the standing joint committee of quarter sessions and of the county council appointed under section 30 of the Local Government Act 1888, and in that case, so long as the delegation is in force—

- (a) subject to paragraph (b) of this sub-paragraph, it shall be the duty of that committee to discharge those functions ;
- (b) that committee shall have the like powers as are conferred on councils of counties and county boroughs by sub-paragraph (4) of this paragraph, and accordingly any reference in that sub-paragraph or in paragraph 2 or 3 (b) of this Schedule to a council or councils shall be construed as including a reference to that committee.

(6) Section 274 of the Local Government Act 1933 or, as the case may be, section 123 of the Local Government (Scotland) Act 1947

SCHE. 2 (which empower county councils to delegate their functions to certain other authorities) shall not apply in relation to the functions of a county council under this Schedule.

2. Where functions under this Schedule are delegated to a committee or joint committee—

- (a) in the case of a committee or joint committee specially appointed for the purpose, the number and term of office of the members thereof shall be fixed by the appointing council or councils ; and
- (b) subject to the provisions of this Schedule and to any directions given by the appointing council or councils, the procedure of the committee or joint committee shall be such as they may themselves determine.

3.—(1) Any expenses incurred in the execution of this Schedule by a standing joint committee of quarter sessions and a county council shall be defrayed by that county council, and any sums received under this Schedule by such a standing joint committee shall be paid or accounted for to that county council.

(2) Any expenses incurred in the execution of this Schedule by any other joint committee shall be defrayed by the appointing councils in such shares as may be agreed.

Interpretation

4.—(1) In relation to any person who carries on or proposes to carry on a pool betting business, any reference in this Schedule to the registering authority shall be construed as a reference to the council or committee who, under paragraph 1 of this Schedule, are the registering authority for the area in which the place, or the principal place, at which that person carries on or proposes to carry on that business is situated.

(2) In this Schedule, the expression “ the accountant ” in relation to a registered pool promoter means the person appointed in the case of that promoter under paragraph 12 of this Schedule.

(3) References in this Schedule to stakes in, or in respect of entries in, any competition do not include references to stakes in respect of rejected entries.

(4) Any reference in this Schedule to the day on which the events on which a competition depends take place shall, where the events do not take place wholly on the same day, be construed as a reference to the last day on which any of those events takes place.

Registration of pool promoters

5.—(1) If any person makes an application to the registering authority for registration under this Schedule, the registering authority shall, on payment of the appropriate registration fee fixed under paragraph 11 of this Schedule, register him accordingly in a register to be kept by them for the purposes of this Schedule and shall notify him in writing that they have done so.

(2) Notwithstanding anything in the foregoing sub-paragraph, the registering authority may in the case of any person, after giving him an opportunity of being heard, refuse to register him or revoke his registration if that person or, where that person is a body corporate, any director or manager thereof, has been convicted of any offence under section 4 (2) of this Act, under paragraph 29 of this Schedule or under the Pool Betting Act 1954, or of any offence involving fraud or dishonesty. SCH. 2

(3) If, after a person has been registered under this Schedule, the registering authority, after giving him an opportunity of being heard, are satisfied—

- (a) that he does not intend to carry on a pool betting business ;
or
- (b) that he has permanently ceased to carry on pool betting business ; or
- (c) that the place or principal place at which he carries on his pool betting business will not be, or has ceased to be, in their area,

they shall revoke his registration.

6. Where the registration of any person has been refused or revoked under the last foregoing paragraph by a registering authority in England, that authority shall forthwith notify that person of the refusal or revocation, and he may appeal in accordance with the provisions of the Quarter Sessions Act 1849 to the next practicable court of quarter sessions having jurisdiction in the area in which the place or principal place at which he carries on or intends to carry on his pool betting business is situated and held not less than twenty-one clear days after the notice of the refusal or revocation is given to him, and notice of any appeal under this paragraph shall be given to the registering authority and to the clerk of the peace.

7. Where the registration of any person has been refused or revoked under paragraph 5 of this Schedule by a registering authority in Scotland, that authority shall forthwith notify that person of the refusal or revocation, and he may appeal, within such time, and in accordance with such rules, as may be prescribed by the Court of Session by act of sederunt, to the sheriff having jurisdiction in the area in which the place or principal place at which that person carries on or intends to carry on his pool betting business is situated, and on any such appeal the decision of the sheriff shall be final and may include such order as to the expenses of the appeal as he thinks proper.

8. Where the registering authority revoke a registration under paragraph 5 of this Schedule, then, until the time within which notice of appeal under paragraph 6 or 7 thereof may be given has expired and, if such notice is duly given, until the determination or abandonment of the appeal, the registration shall be deemed to continue in force, and if the court of quarter sessions or, as the case be, the sheriff confirms the decision of the registering authority, the court or the sheriff may, if it or he thinks fit, order that the registration shall continue in force for a further period not exceeding two months from the date of the order.

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9. If a registered pool promoter dies, his registration shall, for the period of three months beginning with the date of the death, enure for the benefit of his legal personal representatives.

Fees in respect of registration

10. On 1st January in each year the appropriate continuation fee shall become payable to the registering authority by every person who is for the time being a registered pool promoter, and any such fee which remains unpaid after the date on which it becomes payable may be recovered by the registering authority as a debt.

11. For the purposes of paragraphs 5 and 10 of this Schedule the appropriate registration fee and the appropriate continuation fee shall be fees of such amounts respectively (not in either case exceeding fifty pounds) as may be fixed annually by the registering authority for the whole of their area ; and different amounts may be so fixed by that authority in respect of businesses of different classes.

Appointment of accountant by registering authority

12.—(1) The registering authority shall, in the case of each registered pool promoter, appoint a person, being a qualified accountant and not being a person employed by the registered pool promoter in connection with his pool betting business, to exercise and perform, in relation to that registered pool promoter, the powers and duties conferred and imposed by the subsequent provisions of this Schedule on the accountant.

(2) The accountant shall hold office on such terms (including terms as to remuneration) as may be determined by the registering authority after consultation with the registered pool promoter.

(3) The remuneration of the accountant shall be payable by the registering authority, but any sum paid by them by way of such remuneration shall be recoverable by the registering authority as a debt due to them from the registered pool promoter.

(4) In this paragraph “remuneration” includes any sums paid or to be paid to the accountant in respect of his expenses.

Conduct of registered pool promoter's business

13. Subject to paragraphs 14 to 19 of this Schedule, the pool betting business carried on by any registered pool promoter shall comply with the following requirements—

(a) it shall take the form of the promotion of competitions for prizes for making forecasts as to sporting or other events, the bets being entries in the competitions and the winnings in respect of the bets being the prizes or shares in the prizes ;

(b) each bet shall be an entry in a particular competition ;

(c) the stakes and the winnings shall be wholly in money ;

- SCH. 2
- (d) in each competition, the prizes shall be equally available for all the bets, and accordingly the question which bets qualify for, or for shares in, the prize or prizes and, save so far as it depends on the amounts staked, the amounts of the respective shares in the prizes, shall be determined solely by the relative success of the forecasts embodied in the respective bets;
 - (e) the total amount payable by way of winnings shall, in the case of each competition, be the total amount of the stakes in respect of entries in that competition less such percentage of that total amount as may be determined by the promoter, being—
 - (i) the same percentage in respect of all his competitions which depend on the same events or on events taking place on the same day; and
 - (ii) a percentage which is determined and notified to the accountant before that day;
 - (f) the rules applying to the competition shall be notified to the accountant before the first of the relevant sporting or other events takes place.

14. Notwithstanding anything in paragraph 13 (d) or (e) of this Schedule, the rules applicable to any competition may provide—

- (a) that the winnings shall not, in the case of any bet, exceed a stated amount and that any resulting decrease in the total amount payable in the case of the winning bets qualifying for, or for shares in, a prize in the competition shall be applied in increasing the amount payable in the case of the winning bets qualifying for, or for shares in, another prize or other prizes in that competition;
- (b) that, in specified circumstances, one or more of the prizes shall not be paid and that the amount which would have been payable in the case of the winning bets qualifying for, or for shares in, that prize or those prizes shall be applied in increasing the amount payable in the case of the winning bets qualifying for, or for shares in, another prize or other prizes in that competition;
- (c) for the winnings of winning bets (being bets staking the minimum permissible under the rules of the competition) being increased or decreased (with a view to facilitating payment) by not more than sixpence, and consequentially for the winnings of other winning bets (being bets staking more than the said minimum) being increased or decreased by not more than a proportionately greater sum than sixpence,

and the total amount payable by way of winnings in the case of the competition may exceed or fall short of the amount specified in the said paragraph 13 (e) to such extent as is reasonably necessary having regard to any such provision of the rules applicable thereto as is mentioned in sub-paragraph (c) of this paragraph.

15. Notwithstanding anything in paragraph 13 (d) or (e) of this Schedule, if it is found that a bet which ought to have been treated as a winning bet has been inadvertently overlooked, the promoter

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may pay to the person making that bet the sum paid by him to other persons making comparable bets, or, if there are no comparable bets, such sum as may be proper, and any sum paid under this paragraph shall be left out of account for the purposes of the said paragraph 13 (e).

16. Nothing in paragraph 13 (b) of this Schedule shall be construed as preventing—

- (a) several bets being made by a person relating to the same competition ; or
- (b) several bets (whether relating to the same competition or to different competitions) being made by a person by means of the same coupon or other entry form ; or
- (c) the use of a formula for the purpose of making several bets and, in particular, the use for that purpose of any form of the device commonly known as a permutation.

17. Nothing in paragraph 13 (f) of this Schedule shall be construed as requiring, in the case of a series of competitions proposed to be held under the same rules, that those rules should be re-notified to the accountant on the occasion of each competition, and, if the rules are altered before the series is completed, it shall suffice if the alteration is notified to the accountant before any of the sporting or other events relevant to the first competition to which the alteration applies takes place.

18. Nothing in paragraphs 13 to 17 of this Schedule shall prevent the rules of any competition from providing that the competition may be declared void in specified circumstances.

19. Where two or more competitions of the same registered pool promoter are so conducted that entries in all of them can be effected by a person without completing more than a single coupon or other entry form, the promoter may arrive at the total amount of the stakes in respect of the entries in each competition by—

- (a) ascertaining the aggregate total amount of the stakes in respect of the entries in all the competitions ; and
- (b) causing the said aggregate total amount to be apportioned among those competitions by reference to the results of an inspection of samples of the completed coupons or forms ;

and if the sampling, inspection and apportionment is such (both as to the process adopted and as to the manner of carrying it out) that the amount apportioned to each competition is not likely to differ from the total amount actually staked therein by more than one per cent., the amount so apportioned to any such competition shall for all the purposes of this Schedule be deemed to be the total amount actually staked in that competition.

Information to be given by promoters

20.—(1) As soon as may be after the events to which any of his competitions relates have taken place, and in any case not later than seven days after the announcement of the results of that competition, every registered pool promoter shall send to the accountant a statement showing—

- (a) the total amount of the stakes in respect of entries in the competition ;

- (b) the total amount payable by way of winnings in that competition ;
- (c) the total amount of the stakes in respect of winning bets in the competition and, if there are more prizes than one in the competition, the total amount of the stakes in respect of winning bets qualifying for, or for shares in, each of the prizes ; and
- (d) the amount payable in respect of each winning bet or, as the case may be, of each winning bet qualifying for, or for a share of, each of the prizes, bets staking more than the minimum which is permissible under the rules of the competition being treated for the purposes of this paragraph as if they were several separate bets each staking the said minimum.

(2) Where a payment is made in accordance with paragraph 15 of this Schedule after the sending of the statement to the accountant under the foregoing sub-paragraph, the registered pool promoter shall as soon as may be send particulars of that payment to the accountant.

21.—(1) Every registered pool promoter shall, not more than twenty-one days after the events to which any of his competitions relate have taken place, send to every competitor in that competition a statement of the percentage (calculated to the nearest one-tenth of one per cent.) which the first of the amounts hereinafter mentioned bears to the second of those amounts, that is to say—

(a) the aggregate total stakes in that competition and all other competitions of that promoter which depend on those events or on other events taking place on the same day, after deducting the aggregate prizes in, and the aggregate pool betting duty payable in respect of, all those competitions ;

(b) the said aggregate total stakes, without any such deduction, unless he has secured all such publicity as is reasonably necessary for the said statement by means of a newspaper announcement or newspaper announcements published within the said twenty-one days.

(2) The statement aforesaid may take the following form, that is to say—

“ Commission and expenses per cent.”

with the addition (if in the context this is necessary) of words identifying the competition or competitions to which the statement relates.

22. The statements and announcements referred to in paragraphs 20 and 21 of this Schedule may be expressed to be subject to some form of check or scrutiny, but where a statement expressed to be subject to a check or scrutiny is sent to the accountant under sub-paragraph (1) of the said paragraph 20, the registered pool promoter shall as soon as may be send to the accountant a further statement, stating that, as the result of the check or scrutiny,

SCH. 2 specified corrections or no corrections are necessary in the earlier statement or that the check or scrutiny has not been made and is not intended to be made.

23.—(1) In August in each year every registered pool promoter shall send to the accountant and to the registering authority a statement showing, as respects his competitions depending on events which took place on any day during the period of twelve months ending with 31st July in that year—

- (a) the aggregate total stakes in all those competitions ;
- (b) the said aggregate total stakes after deducting the aggregate prizes in, and the aggregate pool betting duty payable in respect of, those competitions ; and
- (c) the amount of the promoter's commission or, at the option of the promoter, the percentage (calculated to the nearest one-tenth of one per cent.) which the said commission bears to the said aggregate total stakes :

Provided that, if the percentage referred to in paragraph (c) of this sub-paragraph does not exceed three per cent., the statement required by that paragraph may, if the promoter so desires, be a statement that the said percentage does not exceed three per cent.

(2) In the foregoing sub-paragraph, the expression "the promoter's commission" means the amount by which the aggregate total stakes in all the competitions referred to in that sub-paragraph exceeds the sum of—

- (a) the aggregate prizes in those competitions ; and
- (b) the aggregate pool betting duty payable in respect of the competitions ; and
- (c) the expenses of the promoter actually incurred by him in the conduct of those competitions, excluding any expenses properly chargeable to capital and any interest on borrowed money, and, in particular, excluding any provision for depreciation of buildings or equipment, any emoluments payable to the promoter or, if the promoter is a partnership, to any of the partners, or, if the promoter is a body corporate, to any of the directors, and in any case, any emoluments payable to any person whose emoluments depend to any extent on the profits of the promoter.

(3) The registering authority shall preserve any statement sent to them under this paragraph for at least two years and shall deposit it at their office and permit any member of the public to inspect it during office hours free of charge.

24.—(1) Where a registered pool promoter is a company to which section 148 of the Companies Act 1948 applies, then, whenever a profit and loss account of the company is laid before the company in general meeting in pursuance of that section, the company shall forthwith send a copy of that account and of the relevant auditor's report to the accountant.

(2) Every registered pool promoter to whom the foregoing sub-paragraph does not apply shall at least once in every calendar year

send to the accountant a profit and loss account of his pool betting business, covering, in the case of the first account, a period beginning at the commencement of the business, and, in the case of subsequent accounts, a period beginning at the end of the period covered by the last account, together with a report thereon by an auditor, being a qualified accountant who neither is, nor is a partner of, nor is in the employment of any person who is, an officer or servant of the registered pool promoter; and Schedule 9 to the Companies Act 1948 (which enumerates the matters which are to be expressly stated in auditors' reports) shall, with the necessary adaptations, apply in relation to every such report. SCH. 2

Duties and powers of the accountant

25. The accountant shall—

- (a) examine all statements submitted to him under paragraph 20, 22 or 23 of this Schedule with a view to determining whether there is cause to believe that any of the provisions of this Schedule are being contravened in relation to the competition in question; and
- (b) retain all such statements for two years; and
- (c) at any time during that period give facilities for their examination by any officer or servant of the registering authority authorised in that behalf by that authority.

26. The accountant and any servant of his authorised in that behalf by him in writing may at all reasonable times enter any premises on which a registered pool promoter is carrying on his business and enquire into the manner in which that business is being carried on, and may require the registered pool promoter or any servant of his to give to the accountant or his servant authorised as aforesaid all such information, and to produce all such accounts, books and other documents and carry out such checks or additional checks of coupons or other entry forms, as the accountant or his servant authorised as aforesaid may think necessary for the purpose of determining whether there is cause to believe that any of the provisions of this Schedule are being contravened; and it shall be the duty of the promoter to preserve, or, to such extent as he may prefer to do so, to preserve photographic copies of, all accounts, books or other documents (including coupons or other entry forms) which relate wholly or partly to any of his competitions for at least two months from the day on which the events take place on which that competition depends.

27.—(1) If at any time the accountant has cause to believe that any of the provisions of this Schedule are being contravened in relation to any of the competitions of a registered pool promoter, he shall report the matter to the registering authority.

(2) Not later than the end of October in each year the accountant shall furnish to the registering authority a report stating, if such be the fact, that he—

- (a) has examined all statements submitted to him by a registered pool promoter under paragraph 20, 22 or 23 of this Schedule

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in respect of the period of twelve months ending with 31st July in that year ;

- (b) has conducted such enquiries into the manner in which the business of that promoter is carried on and made such examination of that promoter's records as he considers necessary ; and
- (c) has no cause to believe that any of the provisions of this Schedule have been contravened in relation to any of the competitions of that promoter taking place during the said period except in relation to such matters (if any) as have been reported by the accountant in pursuance of the foregoing sub-paragraph.

28. Paragraphs 20 to 27 of this Schedule shall apply in relation to a competition declared void in pursuance of any such rule of the competition as is mentioned in paragraph 18 of this Schedule as they apply in relation to other competitions, except that—

- (a) instead of the statements required by paragraphs 20 and 21 of this Schedule to be sent to the accountant in respect of the competition and to be included in announcements of the results of, or to be sent to competitors in, the competition, there shall be sent statements that the competition has been declared void and that sums paid as stakes therein will be repaid or credited to the payers thereof ;
- (b) the competition shall be left out of account in computing the percentage a statement of which is required by the said paragraph 21 to be included in announcements of the results of, or to be sent to competitors in, other competitions depending on the same events or other events taking place on the same day.

Enforcement

29.—(1) Any person who—

- (a) obstructs the accountant or any servant of his in the execution of any powers or duties under this Schedule ; or
- (b) fails to comply with any requirement duly made of him by the accountant or any servant of his or, in response to such a requirement, knowingly gives any information which is false or misleading,

shall be guilty of an offence.

(2) If any registered pool promoter fails to comply with any duty imposed upon him by this Schedule or if any of the provisions of this Schedule, except so far as they impose duties on the accountant or the registering authority, are contravened in the case of the business of any registered pool promoter, the registered pool promoter shall be guilty of an offence.

(3) In England, the registering authority shall have power to take proceedings for offences under this paragraph or under section 4 (2) of this Act.

SCHEDULE 3

Section 6.

LICENSING OF TRACKS FOR BETTING

Licensing authorities and interpretation

1. Paragraphs 1, 2 and 3 of Schedule 2 to this Act shall have effect with respect to licensing authorities for the purposes of this Schedule as if—

- (a) in sub-paragraph (1) of the said paragraph 1 for the words “the registering authority” there were substituted the words “the licensing authority”; and
- (b) any reference in those paragraphs to the said Schedule 2, except in sub-paragraph (5) (b) of the said paragraph 1, were a reference to this Schedule.

2. In this Schedule, except where the context otherwise requires—

- (a) any reference to a track shall be construed as including a reference to the site of a proposed track;
- (b) in relation to any particular track, any reference to the licensing authority shall be construed as a reference to the council or committee who, under paragraph 1 of this Schedule, are the licensing authority for the area in which that track or the greater part of the superficial area thereof is situated, and the expression “appropriate officer of police” means the chief officer of police for a police area which includes that track or any part thereof.

Applications for licences

3. An application for the grant of a track betting licence may be made to the licensing authority—

- (a) in respect of an existing track, by the occupier thereof; or
- (b) in respect of a track which it is proposed to construct, by any person who proposes to become the occupier of the track if the licence is granted.

4. Each licensing authority may from time to time fix dates on which they will entertain applications for the grant of track betting licences by them and shall cause information as to any dates so fixed to be given to any person who asks for it.

5.—(1) No application for a track betting licence shall be entertained by the licensing authority unless, at least two months before the date on which the application is made, the applicant has given to the licensing authority and to each of the authorities specified in sub-paragraph (2) of this paragraph notice in writing—

- (a) stating that it is intended to make the application on that date; and
- (b) describing the situation of the track and the number and position of the exits provided or intended to be provided; and
- (c) stating the number of spectators for whom accommodation is provided or is intended to be provided.

SCH. 3 and has also published such a notice in at least two newspapers circulating in the locality in which the track is situated.

(2) The authorities referred to in the foregoing sub-paragraph are—

(a) if the track is situated in England—

(i) the council of any county district or metropolitan borough in which the track or any part thereof is situated ; and

(ii) the local planning authority within the meaning of the Town and Country Planning Act 1962 for any area which includes the track or any part thereof ;

(b) if the track is situated in Scotland—

(i) the council of any county or burgh within which the track or any part thereof is situated ; and

(ii) the local planning authority within the meaning of the Town and Country Planning (Scotland) Act 1947 for any area which includes the track or any part thereof, where that council or authority are not the licensing authority ;

(c) the appropriate officer or officers of police.

(3) Every notice given to the licensing authority under sub-paragraph (1) of this paragraph shall, until the hearing of the application to which the notice relates, be kept by the licensing authority at their offices so as to be available, at any time during office hours, for inspection by any member of the public free of charge.

6.—(1) Upon the consideration by the licensing authority of an application for the grant of a track betting licence, the following persons in addition to the applicant shall be entitled to be heard in person or by a representative, that is to say—

(a) any appropriate officer of police ;

(b) any person owning or occupying premises in the neighbourhood of the track ;

(c) the governing body of any school or institution in the neighbourhood of the track ;

(d) if the track is situated in England, any of the authorities specified in sub-paragraph (2) of this paragraph ;

(e) if the track is situated in Scotland, any of the authorities specified in sub-paragraph (3) of this paragraph :

Provided that no objector shall be heard unless he has given to the applicant and to the licensing authority at least seven days' notice in writing of the grounds on which he proposes to contend that the application ought to be refused.

(2) The authorities referred to in sub-paragraph (1) (d) of this paragraph are—

(a) the local planning authority within the meaning of the Town and Country Planning Act 1962 for any area which includes the track or any part thereof ;

(b) the council of any county district or metropolitan borough in which the track or any part thereof is situated ;

- (c) any other local authority whose area adjoins any such county district or metropolitan borough: SCH. 3

Provided that no local authority shall be entitled to be heard as an objector if the licensing authority are a committee of that local authority or a joint committee including persons appointed by that local authority.

In this sub-paragraph, the expression "local authority" means any of the following councils, that is to say, the council of a county, county borough, metropolitan borough or county district and the Common Council of the City of London.

(3) The authorities referred to in sub-paragraph (1) (e) of this paragraph are—

- (a) the council of any county or burgh adjoining the area of the licensing authority ;
- (b) where the licensing authority are a county council or a joint county council, the town council of any burgh situated in the county, or in either of the counties combined ;
- (c) where the licensing authority are a town council, the council of the county in which the burgh is situated.

Grant or refusal of licence

7.—(1) The provisions of this paragraph shall have effect with respect to any application to a licensing authority for the grant of a track betting licence in respect of any track.

(2) The licensing authority may refuse to grant the licence if they are satisfied that, in the event of the licence being granted, the existence or user of the track—

- (a) would injuriously affect either the health or the comfort of persons residing in the neighbourhood of the track, or be detrimental to the interests of persons receiving instruction or residing in any school or institution in that neighbourhood ; or
- (b) would seriously impair the amenities of that neighbourhood ; or
- (c) would result in undue congestion of traffic or seriously prejudice the preservation of law and order.

(3) The licensing authority may also refuse to grant the licence if the applicant or, where the applicant is a body corporate, any director or the manager thereof has been convicted—

- (a) of an offence under any of the following provisions of this Act, that is to say, sections 1 (1) (a), 4 (1), 5, 6, 7, 16, 18, 19, 21 and 23 and paragraphs 11 and 17 of Schedule 5 ;
- (b) of any offence under Part I of, or Schedule 1 to, the Betting and Lotteries Act 1934 or under section 7 of the Betting and Gaming Act 1960 ; or
- (c) of any offence involving fraud or dishonesty.

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(4) If the licensing authority are not satisfied that any planning permission required under Part III of the Town and Country Planning Act 1962 or under the Town and Country Planning (Scotland) Act 1947 for the establishment of the track, or for the continuance of the track during the period for which the licence would be in force, has been, or is deemed to be, granted, they shall either refuse to grant the licence or grant the licence but suspend its operation until the local planning authority within the meaning of the said Act of 1962 or, as the case may be, 1947 have notified the licensing authority that any such planning permission has been, or is deemed to be, granted.

(5) Save as is mentioned in sub-paragraph (2), (3) or (4) of this paragraph, the licensing authority shall not refuse the application; and if they do refuse it they shall send to the applicant by post a written statement of the grounds of their refusal.

Duration and transfer of licences

8. A track betting licence shall, unless cancelled under paragraph 10 or revoked under paragraph 13 of this Schedule, be in force for seven years from the date on which it is expressed to take effect.

9. Where in the case of any track the licensing authority have granted a track betting licence to any person, they may at any time, if they think fit, on an application made to them after notice in writing to the appropriate officer or officers of police, direct that the licence shall be transferred to another person, and thereupon the transferee shall be deemed to be the holder of the licence, so, however, that, if the transferee is not the occupier of the track, the transfer shall not take effect until he becomes the occupier thereof.

10. The licensing authority by whom any track betting licence for the time being in force was granted shall, upon receiving from the holder of the licence a written request in that behalf accompanied by the licence, cancel the licence, which shall thereupon cease to be in force.

11. In the event of the death of the holder of a track betting licence, his legal personal representatives shall, during the period of three months from the date of the death, be deemed to be the holder of the licence, notwithstanding that it has not been transferred to them.

Fees in respect of licences

12.—(1) In respect of any application for a track betting licence, such fee not exceeding ten pounds as the licensing authority may from time to time fix for the whole of their area shall be payable by the applicant before the hearing of the application, but, if the licence is granted, the fee so paid shall be treated as a payment on account of the first annual payment to be made in respect of the licence under the next following sub-paragraph.

(2) In respect of every such licence, such annual fee not exceeding fifty pounds as the licensing authority may fix annually for the whole of their area shall be payable during the currency of the licence by the person who is for the time being the holder thereof, and the first of those payments shall be made on the day on which the licence takes effect, and subsequent payments shall be made at intervals of twelve months thereafter.

(3) In respect of any transfer of such a licence, such fee not exceeding ten pounds as the licensing authority may from time to time fix for the whole of their area shall be payable by the person to whom the licence is transferred.

(4) Every fee which by virtue of this paragraph is payable by any person shall be recoverable from that person by the licensing authority as a debt due from him to them.

Revocation of licence and appeal therefrom

13.—(1) At any time while a track betting licence is in force in respect of any track, the licensing authority by whom it was granted may, after giving to the holder of the licence an opportunity of being heard, revoke the licence—

- (a) if they are satisfied that the track has been conducted in a disorderly manner or so as to cause a nuisance ; or
- (b) if without their approval, to be given after such notice as they deem proper, the accommodation for spectators on the track as stated in the notice under paragraph 5 (1) of this Schedule has been substantially increased, or the exits from the track as described in that notice have been materially altered, and the authority are satisfied that undue congestion of traffic, or serious prejudice to the preservation of law and order has resulted therefrom ; or
- (c) if on a report made to them by the accountant appointed under Schedule 5 to this Act, or upon a refusal of that accountant to give such a certificate as is mentioned in paragraph 15 of that Schedule, they are satisfied that any totalisator on the track has been maintained or operated otherwise than in accordance with the provisions of that Schedule ; or
- (d) if the holder of the licence or, where the holder is a body corporate, any director or the manager thereof is convicted of any offence such as is mentioned in paragraph 7 (3) (a) or (c) of this Schedule ;

and if the authority revoke any such licence, they shall forthwith send notice of the revocation by post to the holder of the licence and to the appropriate officer or officers of police.

(2) The holder of a licence in respect of a track in England which has been revoked under the foregoing sub-paragraph may appeal in accordance with the provisions of the Quarter Sessions Act 1849 to the next practicable court of quarter sessions having

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jurisdiction in the area in which the track or the greater part of the superficial area thereof is situated and held not later than twenty-one clear days after notice of the revocation is given to him by the licensing authority, and notice of any appeal under this sub-paragraph shall be given to the licensing authority and to the clerk of the peace.

(3) The holder of a licence in respect of a track in Scotland which has been revoked under sub-paragraph (1) of this paragraph may appeal, within such time, and in accordance with such rules, as may be prescribed by the Court of Session by act of sederunt, to the sheriff having jurisdiction in the area in which the track in respect of which the licence was held, or the greater part of the superficial area thereof, is situated, and on any such appeal the decision of the sheriff shall be final and may include such order as to the expenses of the appeal as he thinks proper.

(4) Where a licensing authority revoke a licence under sub-paragraph (1) of this paragraph, then, until the time within which notice of appeal under sub-paragraph (2) or (3) of this paragraph may be given has expired and, if such notice is given, until the determination or abandonment of the appeal, the licence shall be deemed to continue in force, and if the court of quarter sessions or, as the case may be, the sheriff confirms the decision of the licensing authority, the court or the sheriff may, if it or he thinks fit, order that the licence shall continue in force for a further period not exceeding two months from the date of the order.

Fixing of betting days by licensing authority

14.—(1) Subject to the provisions of this and the next following paragraph, each licensing authority shall, not later than the end of May in each year, fix one hundred and four days in the period of twelve months beginning with 1st July in that year as betting days, that is to say, days on which betting facilities may be provided on licensed tracks within the authority's area, and shall further fix four of those days as special betting days for the purposes of section 7 (2) of this Act.

(2) A licensing authority shall not be bound under the foregoing sub-paragraph to fix in advance betting days in any period of twelve months if it appears to them that at the beginning of that period no track betting licence will be in force in respect of a track in their area; but, if they avail themselves of this sub-paragraph, then, so soon as they grant a track betting licence to take effect on any date during that period, they shall proceed to fix betting days in the part of that period which falls after the day preceding that date, and the number of days so fixed shall be twice the number of the complete weeks in that part of that period.

In this sub-paragraph, the expression "week" means a period of seven consecutive days beginning with a Sunday.

(3) The betting days and special betting days fixed by a licensing authority under this paragraph shall be the same for the whole of their area and shall not include Good Friday, Christmas Day or any Sunday.

15.—(1) The following provisions of this paragraph shall have effect as regards the fixing of betting days for any period under paragraph 14 of this Schedule.

(2) At least one month before fixing the betting days for the period in question, the licensing authority shall publish in at least two newspapers circulating in their area a notice of their intention so to do.

(3) If, within one month from the date of the publication of the said notice, the licensing authority receive a notice in writing signed by all the holders of track betting licences in force in respect of tracks in their area stating that the signatories unanimously desire that the betting days in the period in question should be the days specified in the notice given under this sub-paragraph, then, if those days are days which might lawfully be fixed under paragraph 14 of this Schedule as the betting days for that period, the authority shall fix the days so specified as the betting days for that period.

(4) Unless the licensing authority fix the betting days for the period in question in accordance with sub-paragraph (3) of this paragraph, they shall before fixing those days consider any representations which may, during the period of one month beginning with the date of the publication of the notice required by sub-paragraph (2) of this paragraph, be made to them in writing by—

- (a) any appropriate officer of police; or
- (b) any person who is the holder of a track betting licence in force in respect of a track in the authority's area; or
- (c) any person who has given to the authority notice in writing of his intention to apply for such a licence in respect of such a track.

(5) The licensing authority shall, on being requested by any person so to do, inform that person of the latest time by which a notice under sub-paragraph (3) or a representation under sub-paragraph (4) of this paragraph must be received by the authority if it is to be effective.

SCHEDULE 4

Section 10.

RULES FOR LICENSED BETTING OFFICES

1. The licensed premises shall be closed throughout Good Friday, Christmas Day and every Sunday, and at such other times, if any, as may be prescribed, and shall not be used for any purpose other than the effecting of betting transactions.

2. No person who is apparently under the age of eighteen years, or who is known to any person connected with the licensee's business and present on the licensed premises to be under that age, shall be admitted to or allowed to remain on those premises, so, however, that in any proceedings for a contravention of this rule in respect of a person apparently under the said age it shall be a defence to prove that at the time of the alleged contravention he had in fact attained that age.

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3. The licensee—

- (a) shall display his betting office licence on the licensed premises ;
- (b) shall exhibit on those premises such notices in such form and in such positions as may be prescribed ; and
- (c) shall comply with any prescribed restrictions with respect to the exhibiting of other written matter or of signs of any description on the licensed premises.

4. Neither the licensee nor any servant or agent of his shall, while any other person is on the licensed premises, encourage him to bet.

5. No facilities for—

- (a) seeing any television broadcast ; or
- (b) hearing any sound broadcast which—

(i) is transmitted by wireless telegraphy within the meaning of the Wireless Telegraphy Act 1949 and is intended to be received by the general public : or

(ii) comprises matter other than information relating to events in connection with which betting transactions may be or have been effected on the licensed premises.

shall be provided or allowed to be used on the licensed premises, and neither the licensee nor any servant or agent of his shall cause or permit any such facilities to be provided at any place under his control in such a manner that they can be enjoyed by persons resorting to the licensed premises ; and no music, dancing or other entertainment shall be provided or allowed, and no refreshment of any kind shall be served, on those premises.

6. Except for the licensee and any servant or agent of his, no person resorting to the licensed premises shall be allowed to use any means of direct access between the licensed premises and other premises used for the effecting with persons resorting to those other premises of transactions other than betting transactions.

Section 16.

SCHEDULE 5

TOTALISATORS ON DOG RACECOURSES

1. The totalisator shall be a mechanically or electrically operated apparatus complying with the prescribed conditions.

2. The person, whether the occupier of the track or a person authorised in that behalf in writing by that occupier, by whom the totalisator is operated (in this Schedule referred to as “ the operator ”) shall take all such steps as are necessary to secure that, so long as the totalisator is in use, it is in proper working order and is properly operated.

3. The operator shall, before receiving any bets in connection with any race, post in a conspicuous position on the track a notice showing the minimum stake (hereinafter referred to as “ the betting

unit”) which will be accepted at the totalisator from persons betting on that race ; and that notice shall also—

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- (a) specify the percentage, not exceeding six per cent., which will be deducted by the operator from amounts staked by means of the totalisator ; and
- (b) if the terms on which the operator invites persons to bet include such a condition as is mentioned in paragraph 6 of this Schedule, specify the time referred to in that paragraph.

4. The operator shall, in the case of any bets made by means of the totalisator on any race or combination of races—

- (a) deduct from the aggregate amount staked—
 - (i) any sums payable by the operator by way of the pool betting duty in respect of those bets ; and
 - (ii) subject to paragraph 5 of this Schedule, the percentage specified in the notice posted in pursuance of paragraph 3 thereof ; and
- (b) subject to paragraphs 5 and 6 of this Schedule, distribute the whole of the remainder of that amount among the persons making such of those bets as are winning bets.

5. Where the number of pence in the amount payable in respect of each betting unit staked by a person winning a bet is not exactly divisible by three, then—

- (a) if the remainder does not exceed three halfpence, it may be retained by the operator ; but
- (b) if the remainder exceeds three halfpence, the amount payable in respect of each betting unit staked by the said person shall be deemed to be increased to the next greater number of pence which is so divisible.

6. The terms on which the operator invites persons to bet by means of the totalisator may include a condition entitling the operator to retain any sum payable to a person winning a bet unless the money won on the bet is claimed before such time, not being earlier than forty-eight hours after the conclusion of the race, or as the case may be, of the last of the races, in connection with which the bet was made, as may have been specified in the notice posted in pursuance of paragraph 3 of this Schedule.

7. The licensing authority, that is to say, the authority by whom any track betting licence in respect of the track falls to be granted, shall appoint a qualified accountant (hereinafter in this Schedule referred to as “the accountant”) who shall be charged with the duty of examining and certifying the accounts relating to the operation of the totalisator and, after consultation with the accountant, shall also appoint an experienced mechanic (hereinafter in this Schedule referred to as “the technical adviser”) who shall act as technical adviser to the accountant and be charged with the duty of advising him as to the condition of the totalisator and all matters connected with the operation thereof.

SCH. 5

8. Subject to paragraph 9 of this Schedule, the accountant and the technical adviser shall hold office on such terms (including terms as to remuneration) as may be determined by the licensing authority after consultation with the occupier of the track, and the remuneration of the accountant and the technical adviser shall be payable by the licensing authority; but so much of that remuneration as is paid to the accountant or the technical adviser in respect of the performance of his functions under this Schedule in relation to the totalisator and is attributable to any period during which a track betting licence was in force in respect of the track shall be recoverable by the licensing authority as a debt due to them from the holder of that licence.

9. The terms on which the accountant is appointed shall include a term that on every betting day fixed by the licensing authority in pursuance of paragraph 14 of Schedule 3 to this Act either he or a servant of his authorised by him in that behalf in writing must be in attendance at the totalisator during such period or periods as may before that day have been notified to him in writing by the operator.

10. The totalisator shall not be operated at any time when neither the accountant nor a servant of his authorised by him in that behalf in writing is present.

11.—(1) The accountant, the technical adviser and their respective servants authorised in that behalf in writing may at all reasonable times enter the premises in which the totalisator is set up and examine any part of the mechanism and test and watch the working thereof, and may require the operator or any servant of his to give to them all such information, and to produce to them all such accounts, books and other documents, as they deem necessary for the purpose of ascertaining whether the provisions of this Schedule are being complied with.

(2) Every person who—

- (a) obstructs any of the persons upon whom powers are conferred by the foregoing sub-paragraph in the exercise of any of those powers; or
- (b) neglects or refuses to give to any of the said persons any such information, or to produce to him any such document, as may have been called for by him in pursuance of the said sub-paragraph; or
- (c) knowingly gives to any of the said persons any information which is false or misleading,

shall be liable on summary conviction to a fine not exceeding fifty pounds.

12. The operator shall, within seven days after the close of each month, submit to the accountant for examination by him a complete statement of account for that month, giving all such information as the accountant may require for the purpose of ascertaining whether the provisions of this Schedule have been complied with.

SCH. 5

13. The accountant shall examine the statements of account submitted to him under the last foregoing paragraph and shall, so often as he thinks proper, consult with the technical adviser and carry out, or cause to be carried out, such inspections as either of them deem necessary for the purpose of ascertaining whether the provisions of this Schedule are being complied with, and shall forthwith make a report to the licensing authority if he has reason to believe that the totalisator no longer complies with the prescribed conditions, or is not being kept in proper working order, or is not being properly operated, or if in his opinion any of the provisions of this Schedule are not being complied with.

14. The accountant shall retain for a period of two years all statements of account submitted to him as aforesaid and shall at any time during that period give facilities for their examination by any person authorised in that behalf by the licensing authority.

15. Without prejudice to his duties under the foregoing paragraphs, the accountant shall, as soon as may be after the close of each calendar year, audit the accounts of the operator for the year and, if such be the fact, certify thereon that satisfactory statements of account have been submitted to him monthly in accordance with the provisions of paragraph 12 of this Schedule and have been examined by him, and that to the best of his information and belief, formed after consultation with the technical adviser, the accounts for the year are complete and accurate and the totalisator complies with the prescribed conditions and has throughout the year been maintained in proper working order and properly operated in accordance with the provisions of this Schedule; and the operator shall forthwith cause the accounts and certificate to be printed and, subject to paragraph 16 of this Schedule, shall transmit two copies thereof to the licensing authority, who shall cause one of those copies to be deposited at their offices for inspection at any time during office hours by any member of the public free of charge.

16. Where by virtue of paragraph 1 of Schedule 3 to this Act the licensing authority are a joint committee such as are mentioned in paragraph 1 (4) of Schedule 2 to this Act, the operator shall transmit to the licensing authority such number of copies of the accounts and certificate referred to in paragraph 15 of this Schedule as are sufficient to enable the licensing authority to keep one copy at their offices for the purposes of record and to deposit for inspection as mentioned in that paragraph one copy at their offices and one copy at the offices of each council whose functions under Schedule 3 to this Act are delegated to that committee.

17. Without prejudice to paragraph 11 (2) of this Schedule, if the operator contravenes any of the provisions of this Schedule other than the said paragraph 11 (2) he shall be guilty of an offence.

SCHEDULE 6

Sections 39, 49.

PERMITS FOR PROVISION OF AMUSEMENTS WITH PRIZES

1. Application for the grant of a permit for the provision of amusements with prizes on any premises may be made to the local

SECT. 6 authority by the person who is, or by any person who proposes if the permit is granted to become, the occupier of those premises ; and the holder of such a permit may apply to the local authority from time to time for a renewal of his permit.

2. Subject to the provisions of this Schedule, the grant or renewal of a permit under this Schedule shall be at the discretion of the local authority, and if the permit is granted or renewed it shall cease to be in force on such date, not being earlier than three years after the date of the grant or renewal, as the authority may specify :

Provided that, where application for the renewal of a permit is made not less than one month before the date specified as aforesaid, the permit shall not cease to be in force before the authority have made their determination on the application or the application has been withdrawn.

3. The local authority shall not refuse an application for the grant or renewal of a permit under this Schedule without giving the applicant or a person acting for him an opportunity of appearing before and being heard by the authority or a committee thereof, and shall not refuse an application for the renewal of such a permit otherwise than by reason of the conditions in which amusements with prizes have been provided under the permit or the manner in which those amusements have been conducted.

4. On any grant or renewal by the local authority of a permit under this Schedule there shall be paid to the authority by the applicant for the grant or renewal a fee of one pound.

5. A permit under this Schedule shall not be transferable and shall be of no effect at any time when the holder of the permit is not the occupier of the premises to which it relates ; but in the event of the death of the holder of such a permit, then during the period of six months commencing with the death the permit shall be deemed to continue in force and, except for the purposes of a renewal of the permit, his legal personal representatives shall be deemed to be the holder thereof ; and the local authority may from time to time, on the application of those representatives, extend or further extend the said period of six months if the authority are satisfied that the extension is necessary for the purpose of winding up the deceased's estate and that no other circumstances make it undesirable.

6. Where a local authority in England refuse any application for the grant or renewal of a permit under this Schedule, the authority shall forthwith inform the applicant of the refusal and furnish him with a written statement of the grounds thereof, and the applicant may appeal in accordance with the provisions of the Quarter Sessions Act 1849 to the next practicable court of quarter sessions having jurisdiction in the area of the authority and held not less than twenty-one clear days after notice of the refusal is given to him, and notice of any appeal under this paragraph shall be given to the local authority and to the clerk of the peace.

SCH. 6

7. Where a local authority in Scotland refuse any application for the grant or renewal of a permit under this Schedule in respect of any premises, the local authority shall forthwith notify the applicant of the refusal and furnish him with a written statement of the grounds thereof, and he may appeal, within such time, and in accordance with such rules, as may be prescribed by the Court of Session by act of sederunt, to the sheriff having jurisdiction in the area in which the premises are situated, and on any such appeal the decision of the sheriff shall be final and may include such order as to the expenses of the appeal as he thinks proper.

8. In the case of a refusal by the local authority to renew a permit under this Schedule, the permit shall not cease to be in force by virtue of paragraph 2 of this Schedule—

- (a) until the expiration of the time within which notice of an appeal under paragraph 6 or, as the case may be, paragraph 7 of this Schedule may be given; nor
- (b) if such notice is duly given, until the determination or abandonment of the appeal; nor
- (c) if the appeal succeeds, until such date as may be specified by the local authority under paragraph 2 of this Schedule on renewing the permit in consequence of the allowing of the appeal.

9. In this Schedule, the expression “local authority”, in relation to any premises, means—

- (a) in England, the local authority (being the council of a county borough, metropolitan borough or county district or the Common Council of the City of London) within whose area the premises are situated;
- (b) in Scotland, where the premises are situated in a burgh, the council of that burgh, and in any other case the council of the county within which the premises are situated:

Provided that, in the case of premises in Scotland situated within a district, on each occasion on which any functions under this Schedule fall to be performed in relation to those premises by the local authority, that authority shall consult with the council of that district before exercising those functions.

SCHEDULE 7

Section 45.

PROMOTION OF SMALL LOTTERIES BY REGISTERED SOCIETIES

PART I

Registration of societies

1.—(1) An application for the registration of a society for the purposes of section 45 of this Act shall be made to the local authority.

SCH. 7

(2) In this Schedule, the expression "the local authority," in relation to any society, means the authority, being—

(a) in England, the council of a county borough, metropolitan borough or county district or the Common Council of the City of London ; or

(b) in Scotland, a county council or town council, within whose area the office or head office of the society is situated.

2. Any such application shall specify the purposes for which the society is established and conducted.

3. Subject to the provisions of this Schedule, upon application being duly made on behalf of a society and on payment of a fee of one pound, the local authority shall register the society in a register to be kept for the purposes of section 45 of this Act and notify the society in writing that they have done so.

4. The local authority may, after giving the society an opportunity of being heard, refuse or revoke the registration of a society under this Part of this Schedule if it appears to the authority—

(a) that any person has been convicted of an offence committed in connection with a lottery promoted or proposed to be promoted on behalf of the society, being—

(i) an offence under section 45 of this Act, under paragraph 12 of this Schedule or under the Small Lotteries and Gaming Act 1956 ; or

(ii) an offence under section 42 of this Act ; or

(iii) an offence under section 22 of the Betting and Lotteries Act 1934 committed after 4th August 1956 ; or

(b) that the society is not or has ceased to be a society on behalf of which lotteries may be promoted under the said section 45.

5. Where the registration of any society has been refused or revoked under the last foregoing paragraph by a local authority in England, that authority shall forthwith notify the society of the refusal or revocation, and the society may appeal in accordance with the provisions of the Quarter Sessions Act 1849 to the next practicable court of quarter sessions having jurisdiction in the local authority's area and held not less than twenty-one clear days after the notice of the refusal or revocation is given to the society, and notice of any appeal under this paragraph shall be given to the local authority and to the clerk of the peace.

6. Where the registration of any society has been refused or revoked under paragraph 4 of this Schedule by a local authority in Scotland, that authority shall forthwith notify the society of the refusal or revocation, and the society may appeal, within such time, and in accordance with such rules, as may be prescribed by the Court of Session by act of sederunt, to the sheriff having

jurisdiction in the local authority's area, and on any such appeal the decision of the sheriff shall be final and may include such order as to the expenses of the appeal as he thinks proper. SCH. 7

7. Where the local authority revoke a registration under paragraph 4 of this Schedule, then, until the time within which notice of appeal under paragraph 5 or 6 thereof may be given has expired and, if such notice is duly given, until the determination or abandonment of the appeal, the registration shall be deemed to continue in force, and if the court of quarter sessions or, as the case may be, the sheriff confirms the decision of the local authority, the court or the sheriff may, if it or he thinks fit, order that the registration shall continue in force for a further period not exceeding two months from the date of the order.

8. A society which is for the time being registered under this Part of this Schedule may at any time apply to the local authority for the cancellation of the registration; and in any such case the authority shall cancel the registration accordingly.

9. Every society which is registered under this Part of this Schedule shall pay to the local authority on 1st January in each year while it is so registered a fee of one pound, and any such fee which remains unpaid after the date on which it becomes payable may be recovered by the authority as a debt.

PART II

Returns to be made by promoters

10. The promoter of a lottery to which section 45 of this Act applies shall, not later than the end of the third month after the month in which the winners of prizes in the lottery are ascertained, send to the local authority a return certified by two other members of the society, being persons of full age appointed in writing by the governing body of the society, showing—

- (a) the whole proceeds of the lottery;
- (b) the sums appropriated out of those proceeds on account of expenses and on account of prizes respectively;
- (c) the particular purpose or purposes to which proceeds of the lottery were applied in pursuance of section 45 (3) (d) of this Act, and the amount applied for that purpose, or for each of those purposes, as the case may be; and
- (d) the dates between which tickets or chances in the lottery were sold.

11. The local authority shall preserve any return sent to them under the last foregoing paragraph for a period of at least one year, and during that period shall keep the return deposited at their office and permit any member of the public to inspect it during office hours free of charge.

SCH. 7

12. Any person who fails to send a return in accordance with the provisions of this Part of this Schedule, or who knowingly gives in any such return sent by him any information which is false or misleading, or who certifies any such return knowing it to contain such information, shall be liable on summary conviction to a fine not exceeding twenty pounds.

Section 57.

SCHEDULE 8

REPEALS

Session and Chapter	Short Title	Extent of Repeal
55 & 56 Vict. c. 4.	The Betting and Loans (Infants) Act 1892.	Section 1. In section 3, the words " as in the preceding sections or either of them mentioned ".
6 Edw. 7. c. 43.	The Street Betting Act 1906.	The whole Act.
18 & 19 Geo. 5. c. 41.	The Racecourse Betting Act 1928.	The whole Act.
24 & 25 Geo. 5. c. 58.	The Betting and Lotteries Act 1934.	The whole Act except section 25 (1) and (2).
10 & 11 Geo. 6. c. 51.	The Town and Country Planning Act 1947.	So much of Schedule 8 as relates to the Betting and Lotteries Act 1934.
10 & 11 Geo. 6. c. 53.	The Town and Country Planning (Scotland) Act 1947.	So much of Schedule 8 as relates to the Betting and Lotteries Act 1934.
11 & 12 Geo. 6. c. 9.	The Finance (No. 2) Act 1947.	Section 6 (3).
11 & 12 Geo. 6. c. 49.	The Finance Act 1948.	In Schedule 6, paragraph 3 (2).
2 & 3 Eliz. 2. c. 33.	The Pool Betting Act 1954.	The whole Act.
4 & 5 Eliz. 2. c. 45.	The Small Lotteries and Gaming Act 1956.	The whole Act except section 5 (2).
8 & 9 Eliz. 2. c. 60.	The Betting and Gaming Act 1960.	The whole Act except paragraph 7 of Schedule 4, and in the said paragraph 7 the words from " and nothing " to " negotiating of ".
9 & 10 Eliz. 2. c. 17.	The Betting Levy Act 1961.	The whole Act except sections 1 (11), 9, 10 (1) and 10 (3).
10 & 11 Eliz. 2. c. 55.	The Lotteries and Gaming Act 1962.	The whole Act.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Metropolitan Police Act 1839	2 & 3 Vict. c. 47.
City of London Police Act 1839	2 & 3 Vict. c. xciv.
Gaming Act 1845	8 & 9 Vict. c. 109.
Art Unions Act 1846	9 & 10 Vict. c. 48.
Quarter Sessions Act 1849	12 & 13 Vict. c. 45.
Betting Act 1853	16 & 17 Vict. c. 119.
Refreshment Houses Act 1860	23 & 24 Vict. c. 27.
Local Government Act 1888	51 & 52 Vict. c. 41.
Interpretation Act 1889	52 & 53 Vict. c. 63.
Burgh Police (Scotland) Act 1892	55 & 56 Vict. c. 55.
Burgh Police (Scotland) Act 1903	3 Edw. 7. c. 33.
Street Betting Act 1906	6 Edw. 7. c. 43.
Summary Jurisdiction (Appeals) Act 1933	23 & 24 Geo. 5. c. 38.
Local Government Act 1933	23 & 24 Geo. 5. c. 51.
Betting and Lotteries Act 1934	24 & 25 Geo. 5. c. 58.
Statutory Instruments Act 1946	9 & 10 Geo. 6. c. 36.
Local Government (Scotland) Act 1947... ..	10 & 11 Geo. 6. c. 43.
Town and Country Planning (Scotland) Act 1947	10 & 11 Geo. 6. c. 53.
Local Government Act 1948	11 & 12 Geo. 6. c. 26.
Companies Act 1948	11 & 12 Geo. 6. c. 38.
Wireless Telegraphy Act 1949	12, 13 & 14 Geo. 6. c. 54.
Costs in Criminal Cases Act 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 48.
Licensing Act 1953	1 & 2 Eliz. 2. c. 46.
Pool Betting Act 1954	2 & 3 Eliz. 2. c. 33.
Small Lotteries and Gaming Act 1956	4 & 5 Eliz. 2. c. 45.
Licensing (Scotland) Act 1959	7 & 8 Eliz. 2. c. 51.
Betting and Gaming Act 1960	8 & 9 Eliz. 2. c. 60.
Betting Levy Act 1961	9 & 10 Eliz. 2. c. 17.
Licensing Act 1961	9 & 10 Eliz. 2. c. 61.
Town and Country Planning Act 1962	10 & 11 Eliz. 2. c. 38.
Betting Duties Act 1963	1963 c. 3.

1963 CHAPTER 3

Betting Duties Act 1963

ARRANGEMENT OF SECTIONS

Pool betting duty

Section

1. Pool betting duty.
2. Prohibition of certain activities for protection of pool betting duty.
3. Definition of pool betting.

Bookmakers' licence duty

4. Bookmakers' licence duty.

General

5. Interpretation—general.
6. Repeals and savings.
7. Short title, construction, extent and commencement.

SCHEDULES:

- Schedule 1—Supplementary provisions as to pool betting duty.
- Schedule 2—Supplementary provisions as to bookmakers' licence duty.
- Schedule 3—Repeals.

An Act to consolidate certain enactments relating to the pool betting and bookmakers' licence duties.
[28th February 1963]

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:—

Pool betting duty

Pool betting duty.

1.—(1) There shall be charged on all bets made by way of pool betting other than sponsored pool betting, being bets, wherever made, either—

- (a) made by means of a totalisator situated in Great Britain; or
- (b) in the case of which, being bets made otherwise than by means of a totalisator, the promoter of the betting is in Great Britain,

a duty of excise, to be known as the pool betting duty.

(2) Subject to any order for the time being in force under section 9 of the Finance Act 1961, the pool betting duty shall be an amount equal to the following percentage of the amount of the stake money paid, that is to say—

- (i) in the case of bets on dog races made by means of a totalisator on a licensed track, ten per cent.;
- (ii) in any other case, thirty-three per cent.

(3) The pool betting duty shall be paid, in the case of bets made by means of a totalisator, by the operator, that is to say, the person who, as principal, operates the totalisator, and, in the case of other bets, by the promoter.

(4) The supplemental provisions set out in Schedule 1 to this Act shall have effect with respect to the pool betting duty.

(5) For the purposes of the pool betting duty, any payment which entitles a person to make a bet by way of pool betting shall, if he makes the bet, be treated as stake money on the bet, and this subsection shall apply to any payment entitling a person to take part in a transaction which is, on his part, only not a bet made by way of pool betting by reason of his not in fact making any stake as if the transaction were such a bet, and the transaction shall accordingly be treated as a bet for the purposes of the pool betting duty.

2.—(1) With a view to protecting the revenue derived from the pool betting duty, any person who—

Prohibition of certain activities for protection of pool betting duty.

(a) conducts in Great Britain any business or agency for the negotiation, receipt or transmission of bets to which this section applies ; or

(b) knowingly issues, circulates or distributes in Great Britain, or has in his possession for that purpose, any advertisement or other document inviting or otherwise relating to the making of such bets,

shall be guilty of an offence.

(2) This section applies to all bets made by way of pool betting except—

(a) bets in the case of which, being bets made otherwise than by means of a totalisator—

(i) the promoter of the betting is in Great Britain ;
or

(ii) the promoter of the betting is in Northern Ireland and the bets are such as to be chargeable with a duty corresponding to the pool betting duty under an Act of the Parliament of Northern Ireland ;
or

(iii) 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 an Act of Tynwald and corresponding (both as to rate of duty and otherwise) with the pool betting duty ;

(b) bets made by means of a totalisator situated in Great Britain.

(3) A person guilty of an offence under this section shall be liable—

(a) on summary conviction, to a penalty not exceeding one hundred pounds or, in the case of a second or subsequent conviction, to imprisonment for a term not exceeding three months or to a penalty not exceeding two hundred pounds or to both ; or

(b) on conviction on indictment, to a penalty not exceeding five hundred pounds or, in the case of a second or subsequent conviction, to imprisonment for a term not exceeding one year or to a penalty not exceeding seven hundred and fifty pounds or to both ;

and for the purposes of this subsection a conviction for an offence under section 5 of the Finance Act 1952 shall be deemed to have been a conviction for an offence under this section.

(4) A person who makes or tries to make a bet by way of pool betting, or who gets or tries to get any advertisement or other document given or sent to him, shall not be guilty of an

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offence by reason of his thereby procuring or inciting some other person to commit, or aiding or abetting the commission of an offence under this section.

Definition
of pool
betting.

3.—(1) For the purposes of this Act, any bet shall be deemed to be made by way of pool betting unless it is a bet at fixed odds; and, in particular, bets shall be held to be made by way of pool betting wherever a number of persons make bets—

- (a) on terms that the winnings of such of those persons as are winners shall be, or be a share of, or be determined by reference to, the stake money paid or agreed to be paid by those persons, whether the bets are made by means of a totalisator, or by filling up and returning coupons or other printed or written forms, or otherwise howsoever; or
- (b) on terms that the winnings of such of those persons as are winners shall be, or shall include, an amount (not determined by reference to the stake money paid or agreed to be paid by those persons) which is divisible in any proportions among such of those persons as are winners; or
- (c) on the basis that the winners or their winnings shall, to any extent, be at the discretion of the promoter or some other person.

(2) A bet is a bet at fixed odds within the meaning of this section only if each of the persons making it knows or can know, at the time he makes it, the amount he will win, except in so far as that amount is to depend on the result of the event or events betted on, or on any such event taking place or producing a result, or on the numbers taking part in any such event, or on the starting prices or totalisator odds for any such event, or on there being totalisator odds on any such event, or on the time when his bet is received by any person with or through whom it is made.

In this subsection the expression “starting prices” in relation to any event means the odds ruling at the scene of the event immediately before the start, and the expression “totalisator odds”—

- (a) in relation to a recognised horse race means the odds paid on bets on that race made by way of sponsored pool betting;
- (b) in relation to any other event means the odds paid on bets made by means of a totalisator at the scene of the event.

(3) A bet made with or through a person carrying on a business of receiving or negotiating bets, being a bet made in the course of that business, shall be deemed not to be a bet at fixed

odds within the meaning of this section if the winnings of the person by whom it is so made consist or may consist in whole or in part of something other than money.

(4) Subject to subsection (6) of this section, where payments are made for the chance of winning any money or money's worth on terms under which the payors have a power of selection which may (directly or indirectly) determine the winner, then, for the purposes of this Act, those payments shall be treated as bets notwithstanding that the power is not exercised.

(5) Where a person carries on a business of receiving or negotiating bets and there is or has been issued in connection with that business any advertisement or other publication calculated to encourage in persons making bets of any description with or through him a belief that the bets are made on the basis mentioned in subsection (1) (c) of this section, then any bets of that description subsequently made with or through him in the course of that business shall be deemed for the purposes of this Act to be made on that basis.

(6) In this Act the expression "bet" does not include the taking of a ticket or chance—

- (a) in any lottery which is declared by section 43, 44 or 46 of the Betting, Gaming and Lotteries Act 1963 not to be unlawful; or
- (b) in any lottery to which section 45 of that Act applies and in the case of which all the conditions specified in subsection (3) (b), (c) and (g) of that section are observed;

and does not include any bet or stake at any gaming conducted in such circumstances that no offence under Part II of that Act is committed.

Bookmakers' licence duty

4.—(1) No person shall carry on bookmaking in any enclosure on a licensed track at a dog race-meeting at which a totalisator is operated unless he has taken out an excise licence authorising him to carry on bookmaking in that enclosure at that meeting.

(2) There shall be charged on any such licence as aforesaid a duty of excise, to be known as the bookmakers' licence duty, which, subject to any order for the time being in force under section 9 of the Finance Act 1961, shall be of an amount determined in accordance with the following Table.

TABLE

For a track where the public is admitted to	A licence authorising the bookmaker to carry on bookmaking in	Amount of duty on the licence	
1.	2.	3.	4.
A single enclosure	The enclosure	£12	Where there are to be more races than eight at the meeting an additional amount of one-eighth of the amount in the third column for each race in excess of eight.
Two enclosures and no more	The cheaper enclosure	£6	
	The dearer enclosure	£24	
More than two enclosures	The cheapest enclosure	£6	
	The cheapest but one enclosure	£18	
	Any other enclosure	£48	

(3) If any person carries on bookmaking in contravention of subsection (1) of this section, he shall be liable to a penalty of two hundred pounds; and in any proceedings under this subsection the burden of proof that the person from whom the penalty is sought to be recovered took out a licence for the meeting in question authorising him to carry on bookmaking in the enclosure in question shall lie on that person.

(4) The supplementary provisions set out in Schedule 2 to this Act shall have effect with respect to the bookmaker's licence duty.

(5) For the purposes of this section and the said Schedule 2—

- (a) the expression "enclosure" means a part of a licensed track to which the public is admitted to see the races, and one part of a track shall be treated as being in the same enclosure as another part of that track, or as being in a cheaper or dearer enclosure than that other part, according as the highest charge made to members of the public for admission to that one part of the track is the same as, or less or greater than, the highest charge made to members of the public for admission to that other part of the track;
- (b) the fact that any particular enclosure is, as a temporary measure, closed to the public for any particular meeting or part of a meeting shall not affect any question as to how many enclosures there are on the track or as to which is the cheaper or cheapest;
- (c) any reference to a meeting at which a totalisator is operated shall be construed as a reference to a meeting

on a licensed track at which a totalisator is operated for the whole or any part of the meeting ;

- (d) a meeting on a track shall be treated as terminated at the time when the public are required to leave the enclosures on the track and, accordingly, any races held on the track after that time shall be treated as held at another meeting.

General

5.—(1) In this Act the following expressions have the following meanings respectively, that is to say— Interpretation—general.

“ the Commissioners ” means the Commissioners of Customs and Excise ;

“ promoter ”, in relation to any pool betting, means the person to whom the persons making the bets look for the payment of their winnings, if any ;

“ winnings ” includes winnings of any kind, and references to amount and to payment in relation to winnings shall be construed accordingly ;

and “ bookmaker ”, “ bookmaking ”, “ dog race ”, “ dog race-course ”, “ gaming ”, “ licensed track ”, “ recognised horse race ”, “ sponsored pool betting ” and “ totalisator ” have the same meanings respectively as in the Betting, Gaming and Lotteries Act 1963 ; and “ dog race-meeting ” shall be construed accordingly.

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

6.—(1) The enactments specified in Schedule 3 to this Act are hereby repealed to the extent respectively specified in the third column of that Schedule. Repeals and savings.

(2) Any regulation or entry made, or notice, requirement, direction or authorisation given, and any other thing done, under any of the enactments repealed by this Act shall be deemed for the purposes of this Act to have been made, given or done, as the case may be, under the corresponding provision of this Act ; and anything begun under any of the said enactments may be continued under this Act as if begun under this Act.

(3) Nothing in the last foregoing subsection shall be taken as affecting the general application of section 38 of the Interpretation Act 1889 with regard to the effect of repeals.

7.—(1) This Act may be cited as the Betting Duties Act 1963. Short title, construction, extent and commencement.

(2) This Act shall be construed as one with the Customs and Excise Act 1952.

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

(4) This Act shall come into force on the same day as the Betting, Gaming and Lotteries Act 1963.

SCHEDULES**Section 1.****SCHEDULE 1****SUPPLEMENTARY PROVISIONS AS TO POOL BETTING DUTY**

1. The pool betting duty shall be under the care and management of the Commissioners, and shall be paid at such times by the persons by whom it is payable as the Commissioners may direct.

2. Any person who intends to carry on a business the carrying on of which involves or may involve any sums becoming payable by him by way of the pool betting duty shall—

(a) not less than one week before he begins to carry on the business, notify the Commissioners that he intends to carry it on ; and

(b) not later than the date when he first uses any premises or totalisator for the purposes of the business, make entry of those premises or that totalisator with the Commissioners.

3. Any person for the time being carrying on such a business as aforesaid shall—

(a) keep such books, records and accounts in relation to the business as the Commissioners may direct ; and

(b) for at least six months or such shorter or longer period as the Commissioners may in any particular case direct, preserve, on premises of which entry has been made as mentioned in the last foregoing paragraph, any books, records and accounts directed to be kept by him under the foregoing sub-paragraph and any other books, records, accounts or documents relating to the business ; and

(c) permit any officer authorised in that behalf by the Commissioners to enter on any premises used for the purposes of the business, to inspect any totalisator used for the purposes thereof, and to inspect and take copies of any books, records, accounts or other documents in his possession or power or on any premises used for the purposes of the business, being books, records, accounts or documents which relate or appear to relate to the business ;

and any such person, and any other person employed in, or having functions in connection with, any such business (including, in particular, the accountant referred to in Schedule 5 to the Betting, Gaming and Lotteries Act 1963) shall, if required so to do by the Commissioners or any officer authorised in that behalf by the Commissioners, produce, at a time and place to be specified by the Commissioners or the officer, any such books, records, accounts or documents relating to the business, make, at times and to persons to be so specified, such returns relating to the business, and give such other information relating to the business, as the Commissioners or the officer may require.

4. If any person—

SCH. 1.

- (a) fails to pay any pool betting duty payable by him ; or
- (b) contravenes or fails to comply with any of the provisions of paragraph 2 or 3 of this Schedule ; or
- (c) obstructs any officer in the exercise of his functions in relation to the pool betting duty ; or
- (d) in connection with the pool betting duty, makes any statement which he knows to be false in a material particular or recklessly makes any statement which is false in a material particular, or, with intent to deceive, produces or makes use of any book, account, record, return or other document which is false in a material particular ; or
- (e) is knowingly concerned in, or in the taking of steps with a view to, the fraudulent evasion, by him or any other person, of the pool betting duty,

he shall be liable to a penalty of two hundred pounds or treble the amount of the duty which is unpaid or payment of which is sought to be avoided, as the case may be, at the election of the Commissioners ; and where a person is convicted of an offence under sub-paragraph (d) or (e) of this paragraph, the court may, in lieu of or in addition to ordering him to pay the said penalty, order him to be imprisoned for a term not exceeding two years.

5. Where a person is convicted under the last foregoing paragraph in respect of a failure to comply with any of the provisions of paragraph 2 or 3 of this Schedule and the failure continues after the conviction, then, unless he has a reasonable excuse for the continuance of the failure, he shall be guilty of a further offence under this Schedule and may, on conviction, be punished accordingly.

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

7.—(1) Notwithstanding anything in any other enactment, summary proceedings in respect of an offence under this Schedule may be taken at any time within six months from the date on which evidence comes to the knowledge of the Commissioners which is in their opinion sufficient to justify the proceedings, but shall not be taken more than three years after the commission of the offence.

SCH. 1.

(2) For the purposes of this paragraph, a certificate of the Commissioners as to the date on which such evidence as aforesaid came to their knowledge shall be conclusive evidence thereof.

8. In this Schedule, except where the context otherwise requires, the expression "officer" means an officer of customs and excise, and includes any person who is expressly authorised by the Commissioners to perform the duties of an officer of customs and excise for the purposes of this Schedule.

Section 4.

SCHEDULE 2

SUPPLEMENTARY PROVISIONS AS TO BOOKMAKERS' LICENCE DUTY

Care and management of duty

1. The bookmakers' licence duty shall be under the care and management of the Commissioners.

Duties of occupier of licensed track

2. The Commissioners shall furnish the occupier of each licensed track on which there is a totalisator with forms of licences, and the appropriate licence shall be issued by the occupier to any person whom the occupier admits to an enclosure on the track on payment by that person to the occupier of the duty chargeable on the licence; and the amount of that duty shall be recoverable from that person by the occupier as a debt due to the occupier.

3. The occupier of each such track as aforesaid shall account to the Commissioners for the bookmakers' licence duty receivable by him, and the amount of any duty for which he is accountable shall be recoverable from him as a debt due to the Crown; and if the occupier fails to collect or account for the duty for which he is accountable, he shall be liable to a penalty of two hundred pounds or treble the amount of the duty which he has failed to collect or account for, at the election of the Commissioners.

4. If the occupier of a licensed track on which there is held a meeting at which a totalisator is operated—

(a) admits to the track a person whom the occupier knows to be intending to carry on bookmaking on the track at the meeting without requiring that person to take out a licence or without recovering from that person the duty chargeable on a licence taken out by him; or

(b) permits any person to carry on bookmaking in an enclosure on the track at the meeting without having taken out a licence in that behalf,

the occupier shall be liable to a penalty of two hundred pounds.

Officers of customs and excise

5.—(1) The occupier of any licensed track on which there is a totalisator shall admit an officer in the course of his duty to any part of the track without any payment for admission and shall,

if an officer, for the purpose of ascertaining the duty for which the occupier is accountable, so requires, produce to the officer any books, accounts or other documents. SCH. 2.

(2) An officer may require any person at a meeting at which a totalisator is operated who appears to the officer to be carrying on bookmaking to give such information as the officer may demand, and to produce to the officer any books, accounts or other documents which appear to the officer to be connected with the business of bookmaking or which it appears to the officer will establish the identity of that person, and that person shall comply with the requirement.

(3) An officer may take copies of or extracts from any books, accounts or other documents produced to him in pursuance of this paragraph.

(4) If any person contravenes or fails to comply with the foregoing provisions of this paragraph or obstructs an officer in the exercise of any of his functions in connection with the bookmakers' licence duty, he shall be liable to a penalty of two hundred pounds.

(5) In this paragraph, the expression "officer" means an officer of customs and excise, and includes any person who is expressly authorised by the Commissioners to perform the duties of an officer of customs and excise for the purposes of the bookmakers' licence duty.

Regulations

6.—(1) The Commissioners may make regulations for securing the payment of the bookmakers' licence duty and in particular—

- (a) for regulating the supply and use, and prescribing the form, of licences ;
- (b) for requiring bookmakers on any licensed track on which there is a totalisator to display their licences ;
- (c) for preventing bookmakers in a cheaper enclosure from doing business with persons in a dearer enclosure and for preventing bookmakers from doing business on such a track but not in an enclosure ;
- (d) for requiring the occupier of such a track to keep records and accounts and make returns of licences issued and duty receivable by him and to retain relevant documents for a period prescribed by the regulations ;
- (e) for requiring the occupier of such a track to display notices of the rates of the duty payable on admission to the track and to give to the Commissioners such notice as may be prescribed by the regulations of any change affecting those rates ;
- (f) for applying, with the necessary adaptations, as respects licences all or any of the provisions of the Stamp Duties Management Act 1891 (including the penal provisions and the provisions repealed save as to Scotland by the Forgery Act 1913) ;

D*

SCH. 2.

(g) for excluding such of any provisions of the Customs and Excise Act 1952 or of any other enactment relating to excise which would otherwise apply as appear to the Commissioners to be inappropriate for bookmakers' licences or the bookmakers' licence duty.

(2) Regulations under this paragraph may also provide for authorising and requiring the occupier of a track, subject to such conditions as may be prescribed by the regulations, to repay, out of moneys received by him on account of the bookmakers' licence duty, to persons who have taken out licences, such amounts as may be so prescribed in respect of meetings or races which, in the event, were not held.

(3) Without prejudice to any other penal provisions imposed by or under this Schedule, if any person contravenes or fails to comply with any regulations made under this paragraph, he shall be liable to a penalty of fifty pounds.

(4) Where a person is convicted under the last foregoing subparagraph in respect of a failure to keep records or accounts or to make returns, and the failure continues after the conviction, then, unless he has a reasonable excuse for the continuance of the failure, he shall be guilty of a further offence and shall, on conviction, be liable to a further penalty of the like amount as that to which he was liable in respect of the first offence.

Further provisions as to offences

7. If any person—

(a) in connection with the bookmakers' licence duty makes any statement which he knows to be false in a material particular or recklessly makes any statement which is false in a material particular, or with intent to defraud produces or makes use of any book, account, return or other document which is false in a material particular; or

(b) is knowingly concerned in, or in the taking of steps with a view to, the fraudulent evasion of the bookmakers' licence duty by him or by any other person,

he shall be liable to a penalty of two hundred pounds or treble the amount of the duty to which the statement or document relates or which is sought to be avoided, as the case may be, at the election of the Commissioners, or to imprisonment for a term not exceeding two years, or to both such a penalty and such imprisonment.

8. Where an offence under section 4 of this Act or under this Schedule has been committed by a body corporate, every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity, and to all the circumstances.

SCHEDULE 3

Section 6.

REPEALS

Session and Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 6. c. 9.	The Finance (No. 2) Act 1947.	Section 6, except subsection (3). Schedule 5.
11 & 12 Geo. 6. c. 49.	The Finance Act 1948.	Sections 14 and 15. Schedule 6, except paragraph 3 (2).
14 Geo. 6. c. 15.	The Finance Act 1950.	Section 17.
15 & 16 Geo. 6. & 1 Eliz. 2. c. 33.	The Finance Act 1952.	Sections 4 and 5.
15 & 16 Geo. 6. & 1 Eliz. 2. c. 44.	The Customs and Excise Act 1952	In Part II of Schedule 10, paragraphs 30 and 31.
4 & 5 Eliz. 2. c. 45.	The Small Lotteries and Gaming Act 1956.	Section 5 (2).
8 & 9 Eliz. 2. c. 60.	The Betting and Gaming Act 1960.	In Schedule 4, paragraph 7.
9 & 10 Eliz. 2. c. 36.	The Finance Act 1961.	Section 4. Section 5 (1) and (2).
10 & 11 Eliz. 2. c. 44.	The Finance Act 1962.	Section 1 (2) (d) and (4) (d).

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Interpretation Act 1889	52 & 53 Vict. c. 63.
Stamp Duties Management Act 1891	54 & 55 Vict. c. 38.
Forgery Act 1913	3 & 4 Geo. 5. c. 27.
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 1961	10 & 11 Eliz. 2. c. 36.
Betting, Gaming and Lotteries Act 1963 ...	1963 c. 2.

1963 CHAPTER 4*Towyn Trewan Common Act 1963*

ARRANGEMENT OF SECTIONS

Section.

1. Extinguishment of rights of common and other rights.
2. Provision for new drain and accessory works.
3. Compensation in respect of rights of common.
4. Extinguishment of private rights of way.
5. Use by the public of track from river bridge to level crossing.
6. Power for Conservators to permit additional works.
7. Expenses.
8. Short title and citation.

An Act to extinguish certain rights of common, private rights of way and other rights in respect of lands forming part of Towyn Trewan Common in the county of Anglesey, and to enable certain works to be carried out on other lands forming part of the Common; to provide for compensation in respect of the extinguishment of, or interference with, the said rights of common and private rights of way; to provide for the use by the public of a track across part of the Common; to extend the powers of the Conservators of the Common; and for purposes connected with the matters aforesaid.
 [28th February 1963]

WHEREAS the common lands known as Towyn Trewan Common (in this Act referred to as "the Common") in the parishes of Llanfair-yn-neubwll, Llechlched and Llanfaelog in the rural district of Valley in the county of Anglesey are regulated by an order (in this Act referred to as "the Order of 1908") made by the Board of Agriculture and Fisheries in pursuance of the Inclosure Acts 1845 to 1899 and the Board of Agriculture and Fisheries Acts 1889 to 1903 and scheduled to and confirmed by the Commons Regulation (Towyn Trewan) Provisional Order Act 1908, and by an award (in this Act referred to as "the award") made pursuant to the said Inclosure Acts for giving effect to the purposes of the Order of 1908:

And whereas the present extent of the Common is that remaining after the extinguishment by the Towyn Trewan Common Act 1950 of the rights of common formerly subsisting over part of the lands originally comprised in the Order of 1908 and the award:

And whereas provision was made by the Order of 1908 and the award for the administration of the purposes thereof by a body of Conservators appointed in accordance with the Order of 1908 (in this Act referred to as "the Conservators"):

And whereas it is expedient that such rights of common, private rights of way and rights or privileges exercisable by the public or any section of the public as subsist in respect of certain lands forming part of the Common (being lands acquired or proposed to be acquired by the Secretary of State for the defence of the realm or the purposes of Her Majesty's air force) should be extinguished by the authority of Parliament:

And whereas it is expedient to authorise the carrying out of certain works on other lands forming part of the Common, to provide for compensation in respect of the extinguishment of, or interference with, rights of common and private rights of way by virtue of this Act, and to provide for certain other matters as hereinafter mentioned:

And whereas in connection with the Bill for this Act plans and a section (in this Act referred to as "the deposited plans and section") have been deposited with the clerk of the administrative county of Anglesey and in the Office of the Clerk of the Parliaments and the Private Bill Office of the House of Commons, together with a book of reference to the deposited plans and section containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers, of the lands in respect of which rights of common and private rights of way are to be extinguished, or may (otherwise than with the permission of the Conservators) be interfered with, by virtue of this Act:

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) As from the passing of this Act—

- (a) all such rights of common as immediately before the passing of this Act subsisted in or over any part of the land to which this section applies, and
- (b) all such rights or privileges of access, recreation or playing games as immediately before the passing of this Act were exercisable by the public or any section of the public in respect of any part of that land, and
- (c) all duties, powers and rights of the Conservators in respect of that land,

Extinguishment of rights of common and other rights.

are hereby extinguished, and the Order of 1908 and the award shall have effect as if the land to which this section applies did not form part of the Common.

(2) The land to which this section applies is the land delineated on Sheet No. 1 of the deposited plans and section and shown thereon as the land in respect of which rights are to be extinguished by this Act.

(3) In this Act "rights of common", in relation to any land, means all such rights as, on a compulsory acquisition of that land under an enactment incorporating all the provisions of the Lands Clauses Consolidation Act 1845, would (subject to compliance with the requirements of that Act) be capable of being extinguished by virtue of section 99 or section 107 of that Act.

Provision for
new drain and
accessory
works.

2.—(1) For the purpose of carrying away storm water from the land to which the preceding section applies, the Secretary of State is hereby authorised to lay a drain, in accordance with the next following subsection, and to construct manholes and other works accessory thereto, and from time to time to maintain, repair, renew or remove the drain or any such works, notwithstanding that the doing of anything authorised by this subsection involves interference with the exercise of any rights of common or rights or privileges of the public or any section of the public or any duties, powers or rights of the Conservators.

(2) The said drain shall be laid in the position shown on Sheet No. 2 of the deposited plans and section and according to the level shown on the section contained in that sheet:

Provided that in laying the drain the Secretary of State—

(a) may deviate laterally from the position shown on Sheet No. 2 of the deposited plans and section to the extent of the limits of deviation so shown, and

(b) may deviate from the level shown on the section contained in that sheet to any extent not exceeding one foot.

(3) Nothing in this section shall be construed as authorising any act or omission which is actionable at the suit of any person on any grounds other than such an interference as is mentioned in subsection (1) of this section.

Compensation
in respect of
rights of
common

3.—(1) Compensation shall be payable by the Secretary of State in respect of—

(a) the extinguishment of rights of common by section 1 of this Act, and

(b) the acquisition by the Secretary of State of the right to interfere with the exercise of rights of common by virtue of the last preceding section.

(2) The provisions of sections 101 to 107 of the Lands Clauses Consolidation Act 1845, in so far as they relate to the determination of the amount of any compensation, or to the payment, apportionment, application or deposit of any compensation, shall (with the necessary modifications) have effect with

respect to any compensation payable by virtue of this section, as if the Secretary of State were the promoters of the undertaking within the meaning of that Act.

(3) Section 22 of the Inclosure Act 1852, sections 15 to 20 of the Inclosure Act 1854, and section 2 of the Commonable Rights Compensation Act 1882 (which make provision respectively for the application of compensation money paid for extinguishment of rights of common) shall apply (with the necessary modifications) to any compensation payable by virtue of this section.

(4) For the purpose of determining any question of title arising in consequence of the preceding provisions of this section, the Secretary of State may refer that question to one of the conveyancing counsel of the High Court for his opinion; and, where any question is so referred in pursuance of this subsection, the opinion of the counsel to whom it is referred shall for the purposes of this Act be conclusive and binding on all persons concerned:

Provided that, if a committee is appointed under section 103 of the Lands Clauses Consolidation Act 1845 as applied by subsection (2) of this section, the Secretary of State shall not refer any question in pursuance of this subsection except where requested to do so by or on behalf of that committee.

(5) The costs and expenses of and incidental to the reference of any question under the last preceding subsection shall be paid by the Secretary of State.

4.—(1) All private rights of way over any part of the land to which section 1 of this Act applies are hereby extinguished.

Extinguishment of private rights of way.

(2) If, on a claim made to the Secretary of State within the period of one year beginning with the passing of this Act, it is shown that any person entitled to such a right of way has suffered loss or damage in consequence of the coming into operation of the preceding subsection, the Secretary of State shall pay to that person compensation in respect of that loss or damage.

(3) Any question of disputed compensation under this section shall be referred to and determined by the Lands Tribunal; and the provisions of sections 2 and 4 of the Land Compensation Act 1961 shall apply (with the necessary modifications) in relation to the determination of any such question.

5.—(1) The provisions of this section shall have effect with respect to the track shown and coloured brown on Sheet No. 1 of the deposited plans and section (in this section referred to as "the track"), being a track leading from the western end of the bridge over the River Crigyll and ending at the Trewan Sands crossing over the railway:

Use by the public of track from river bridge to level crossing.

Provided that the provisions of this section shall not have effect with respect to any part of the track which is not for the

time being vested in the Secretary of State, unless (whether by agreement or in the exercise of any power conferred by or under an enactment) the Secretary of State has previously entered upon and taken possession of the land comprising that part of the track.

(2) In so far as the provisions of this section have effect with respect to the track, the Secretary of State shall permit the public—

(a) to use the track at all times for the purpose of passing and repassing along it on foot, with or without animals of any description, and

(b) to use the track, with the consent of the officer commanding the airfield and subject to such limitations and conditions as he may impose, for the purpose of driving vehicles along the track.

(3) The obligation of the Secretary of State under the last preceding subsection shall be subject to the exercise of any of the powers of the Gwynedd River Board or of any other authority required or authorised by or under any enactment to perform any functions in relation to the River Crigyll.

(4) In this section “the airfield” means the airfield established by the Secretary of State and situated mainly on lands which, immediately before the passing of the Towyn Trewan Common Act 1950, were comprised in the Order of 1908 and the award, and “vehicle” includes any machine or implement used for agricultural purposes, whether self-propelled or hauled by another vehicle, and the reference to driving vehicles shall be construed accordingly.

Power for Conservators to permit additional works.

6.—(1) Where it is represented to the Conservators by the Secretary of State that, in connection with the use for the defence of the realm or for the purposes of Her Majesty’s air force of any land acquired or proposed to be acquired by him, additional works are required on any part of the Common to which this section applies, the powers of the Conservators under the Order of 1908 shall include power, with the consent of the owners of the soil of that part of the Common, to permit the Secretary of State to construct and use those works and from time to time to maintain, repair, renew or remove them.

(2) This section applies to every part of the Common, except that part in respect of which the rights of common are extinguished by section 1 of this Act.

(3) The powers of the Conservators under the Order of 1908 shall also include power to receive pecuniary consideration in respect of the construction and use of any additional works permitted by them in pursuance of this section; and any such consideration received by the Conservators shall be applied by them for the purposes of the improvement or protection of other parts of the Common to which this section applies.

(4) For the purposes of section 194 of the Law of Property Act 1925 (which restricts the erection or construction of works which would impede access to land which at the commencement of that Act was subject to rights of common) anything done in pursuance of permission given by the Conservators, in the exercise of the powers conferred by the Order of 1908 as extended by this section, shall be taken to be specially authorised as mentioned in subsection (4) of that section (whereby certain works, including works specially authorised by or under an Act, are excepted from the operation of the section).

(5) In this section "additional works" means any of the following, that is to say—

- (a) pipes and drains, other than the drain referred to in section 2 of this Act, and works in connection with such pipes and drains;
- (b) electrical apparatus, electric lines (within the meaning of the Electric Lighting Act 1882) and works in connection therewith;
- (c) means of access (whether for vehicles or for foot passengers) to land in the occupation of the Secretary of State,

and any reference to the construction of additional works shall be construed accordingly.

7. Any expenses incurred by the Secretary of State in consequence of the provisions of this Act shall be defrayed out of moneys provided by Parliament. Expenses.

8. This Act may be cited as the Towyn Trewan Common Act 1963; and the Towyn Trewan Common Act 1950 and this Act may be cited together as the Towyn Trewan Common Acts 1950 and 1963. Short title and citation.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Land Clauses Consolidation Act 1845	8 & 9 Vict. c. 18.
Inclosure Act 1852	15 & 16 Vict. c. 79.
Inclosure Act 1854	17 & 18 Vict. c. 97.
Commonable Rights Compensation Act 1882	45 & 46 Vict. c. 15.
Electric Lighting Act 1882	45 & 46 Vict. c. 56.
Law of Property Act 1925	15 & 16 Geo. 5. c. 20.
Towyn Trewan Common Act 1950	14 Geo. 6. c. xli.
Land Compensation Act 1961	9 & 10 Eliz. 2. c. 33.

1963 CHAPTER 5

County Courts (Jurisdiction) Act 1963

ARRANGEMENT OF SECTIONS

Section.

1. Increase of amount by reference to which county court jurisdiction is limited in actions for recovery of, or relating to, land.
2. Increase of amount by reference to which right of appeal from county court on question of fact is conferred in certain actions relating to land.
3. Amendment of provisions of County Courts Act 1959 as to construction of references to net annual value for rating.
4. Increase of amount determining assignment by Landlord and Tenant Act 1954 of jurisdiction between county court and High Court in certain proceedings relating to land.
5. Short title and commencement.

An Act to increase the amounts by reference to which jurisdiction conferred on county courts by the County Courts Act 1959 is limited, and a right of appeal from such courts on questions of fact is by that Act conferred, in certain proceedings in which land is concerned, and make to that Act amendments consequential on the increase; to amend the provisions of that Act with respect to the construction of references to net annual value for rating; and to increase the amount by reference to which is determined the question whether the High Court or a county court has jurisdiction to entertain proceedings under certain other enactments.

[28th February 1963]

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 amount by reference to which county court jurisdiction is limited in actions for recovery of, or relating to, land.

1.—(1) The amount by reference to which the jurisdiction of a county court in actions for the recovery of land, or in which the title to a hereditament comes in question, is limited by sections 48 and 51 of the County Courts Act 1959 (hereafter in this Act referred to as "the principal Act") shall be increased from one hundred pounds in net annual value for rating to four hundred pounds in net annual value for rating, and there shall be similarly increased—

- (a) the amount by reference to which the jurisdiction of such a court to grant relief where a lessor has exercised a right of re-entry for non-payment of rent is limited by section 191 (3) of the principal Act;

- (b) the amount by reference to which the jurisdiction of such a court under section 146 of the Law of Property Act 1925 to grant relief where a lessor is proceeding to enforce a right of entry or forfeiture otherwise than by action is limited by Schedule 1 to the principal Act; and
- (c) the amount by reference to which the jurisdiction of such a court under section 147 of the said Act of 1925 to grant relief against notices to effect decorative repairs is limited by that Schedule;

and accordingly, in sections 48 (1) and 51 (a) and (b) of the principal Act and in the entries in Schedule 1 thereto relating respectively to sections 146 and 147 of the said Act of 1925, for the words "one hundred pounds" there shall be substituted the words "four hundred pounds".

(2) Section 49 (1) of the principal Act (which, in a case where an action for the recovery of land is commenced in a county court, empowers the defendant or his landlord to apply to a judge of the High Court for a summons to the plaintiff to show cause why the action should not be transferred to the High Court on the ground that the title to land having at the time when the action was commenced a net annual value for rating exceeding one hundred pounds would be affected by the decision in the action) shall, in the case of an action so commenced after the commencement of this Act, have effect with the substitution, for the words "one hundred pounds" of the words "four hundred pounds".

2.—(1) In section 109 (2) of the principal Act, in paragraph (a) (by virtue of which there is included, amongst the proceedings in which a right of appeal to the Court of Appeal is conferred by that section, an action founded on contract or tort, or for money recoverable by statute, where the title to a hereditament comes in question, and the net annual value for rating of that hereditament or, in the case of an easement or licence, that of the hereditament in respect of which the easement or licence is claimed, or on, through, over or under which it is claimed, exceeds sixty pounds) and in paragraph (b) (by virtue of which there is included, amongst such proceedings, an action for the recovery of land of a net annual value for rating exceeding sixty pounds) for the words "sixty pounds" there shall be substituted the words "two hundred pounds".

Increase of amount by reference to which right of appeal from county court on question of fact is conferred in certain actions relating to land.

(2) The amendments made by the foregoing subsection shall not apply to an action commenced before the commencement of this Act or have effect so as to limit the operation, in the case of an action so commenced, of paragraph (c) of the said section 109 (2) (by virtue of which there is included, amongst the proceedings referred to in the foregoing subsection, any action where

there is a counterclaim to which either paragraph (a) or (b) of that subsection would apply if the counterclaim had been the subject of a separate action).

Amendment of provisions of County Courts Act 1959 as to construction of references to net annual value for rating.

3.—(1) In section 200 (2) of the principal Act (which requires that, where property of which the value is in question does not consist of one or more hereditaments having at the time when the relevant proceedings are commenced a separate net annual value for rating, the property or such part of it as does not so consist shall, for the purposes of that Act, be taken to have a net annual value for rating equal to three fifths of its value by the year) the words “ three fifths of ” shall be omitted.

(2) The said section 200 (2) shall not apply in a case where the property of which the value is in question forms part of a hereditament having at the time in question a net annual value for rating of an amount not exceeding four hundred pounds, and in such a case the property shall, for the purposes of the principal Act, be taken to have a net annual value for rating equal to that of the hereditament of which it forms part.

Increase of amount determining assignment by Landlord and Tenant Act 1954 of jurisdiction between county court and High Court in certain proceedings relating to land.

4. In relation to an application or reference made to the court after the commencement of this Act under Part I of the Landlord and Tenant Act 1927, Part II of the Landlord and Tenant Act 1954 or Part II or V of Schedule 7 to the Opencast Coal Act 1958, section 63 (2) of the said Act of 1954 (which assigns jurisdiction to the county court in a case in which the rateable value of the holding that is the subject of the application or reference does not exceed five hundred pounds, and to the High Court in a case in which that value exceeds five hundred pounds) shall have effect with the substitution, for the words “ five hundred pounds ” (in both places where they occur), of the words “ two thousand pounds ”.

Short title and commencement.

5.—(1) This Act may be cited as the County Courts (Jurisdiction) Act 1963.

(2) This Act shall come into force on 1st April 1963.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Law of Property Act 1925	15 & 16 Geo 5. c. 20.
Landlord and Tenant Act 1927	17 & 18 Geo. 5. c. 36.
Landlord and Tenant Act 1954	2 & 3 Eliz. 2. c. 56.
Opencast Coal Act 1958	6 & 7 Eliz. 2. c. 69.
County Courts Act 1959	7 & 8 Eliz. 2. c. 22.

1963 CHAPTER 6

An Act to amend the Commonwealth Scholarships Act
1959. [28th February 1963]

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

1. In section 1 of the Commonwealth Scholarships Act 1959 (which sets out the duties of the Commonwealth Scholarship Commission in the United Kingdom in connection with awards arising out of the Commonwealth Scholarship and Fellowship Plan), at the end of subsection (1) (under which those duties include the selection of the recipients of awards to persons coming to the United Kingdom, the placing of the recipients at educational establishments there, and the selection of candidates from the United Kingdom for awards to be granted in countries outside the United Kingdom) there shall be added the words " and references in this subsection to the United Kingdom include references to the Channel Islands and the Isle of Man." Power to select persons from Channel Islands and Isle of Man as candidates for Commonwealth Scholarships etc. 8 & 9 Eliz. 2. c. 6.

2.—In section 2 of the said Act of 1959 (which as adapted by the Department of Technical Co-operation Order 1961 includes provision for defraying the expenses of the Secretary of State or the Secretary for Technical Co-operation in making awards arising out of the said Plan, up to the number of five hundred tenable at any one time, to persons coming to the United Kingdom) the words " up to the number of five hundred tenable at any one time " are hereby repealed. Abolition of limit on number of awards tenable in United Kingdom and Islands.

3. This Act may be cited as the Commonwealth Scholarships (Amendment) Act 1963, and this Act and the Commonwealth Scholarships Act 1959 may be cited together as the Commonwealth Scholarships Acts 1959 and 1963. Short title and citation.



1963 CHAPTER 7*National Insurance Act 1963*

ARRANGEMENT OF SECTIONS

Section.

1. Higher contributions and benefits under National Insurance Act 1946.
2. Amendments of National Insurance Act 1946.
3. Graduated contributions.
4. Higher contributions and benefits under Industrial Injuries Act.
5. Allowances in respect of incapacities arising from pre-1948 employment.
6. Transitory provisions as respects assistance grants.
7. Financial provisions.
8. Citation, commencement, repeals, extent, etc.

SCHEDULES:

Schedule 1—Provisions to be substituted in Schedule 1 of National Insurance Act 1946.

Schedule 2—Provisions to be substituted in Schedule 2 Part I of National Insurance Act 1946.

Schedule 3—Amendments of Industrial Injuries Act.

Schedule 4—Commencement, transitional provisions and construction.

Schedule 5—Repeals.

An Act to increase ungraduated contributions and benefits under the National Insurance Acts 1946 to 1961, and contributions and benefits under the National Insurance (Industrial Injuries) Acts 1946 to 1961, to modify, in connection with the increase of any such benefits, the method of computing national assistance grants for any period before all the increases have taken effect, to modify the widowed mother's allowance under the National Insurance Act 1946, to amend section 24 (1) of the National Insurance Act 1946 as respects conditions for payment of benefit under that section, to alter graduated contributions and benefits under the National Insurance Act 1959 by enlarging the amount of pay taken into account in fixing contributions, to amend that Act of 1959 as respects non-participating employments and to improve the allowances payable out of the Industrial Injuries Fund in respect of incapacities arising from pre-1948 employment; and for purposes connected with the matters aforesaid.

[28th February 1963]

BIT ENACTED by the Queen's most Excellent Majesty, by and with the advice 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 Schedule 1 (Rates of contributions) of the National Insurance Act 1946 for Parts I to IV as set out in Schedule 2 of the National Insurance Act 1960 there shall be substituted the provisions set out in Schedule 1 of this Act. Higher contributions and benefits under National Insurance Act 1946.

(2) In section 1 (2) (b) of the National Insurance Act 1959 (under which ungraduated contributions to the National Insurance Fund are to go up in each of the years 1965, 1970, 1975 and 1980) for the words "an addition of ninepence" in subparagraph (ii) (which is the addition to be made in each of those years to the employee's and employer's contributions in non-participating employments and to the contributions of self-employed and non-employed persons other than boys and girls) there shall be substituted the words "an addition of tenpence", and accordingly for "ninepence" in the proviso to the said section 1 (2) (which empowers the Minister to reduce the additions to be so made) there shall be substituted "tenpence".

(3) In Schedule 2 of the National Insurance Act 1946 for Part I (Rates of periodical benefits and of increases for dependants) as set out in Schedule 3 of the National Insurance Act 1960 there shall be substituted the provisions set out in Schedule 2 of this Act.

(4) The amount of maternity grant shall be increased from fourteen pounds to sixteen pounds, and Schedule 2 Part II of the said Act of 1946, as set out in Schedule 4 Part II of the National Insurance (No. 2) Act 1957 and amended by section 2 (3) of the National Insurance Act 1960, shall have effect accordingly.

(5) The provisions of this section increasing retirement pensions shall not be taken as affecting the provisions of section 74 of the said Act of 1946 relating to non-contributory pensions.

2.—(1) A widowed mother's allowance shall not be reduced under section 17 (3) of the National Insurance Act 1946 (which applies an earnings rule to the allowance)— Amendments of National Insurance Act 1946.

(a) to less than 26 shillings, or

(b) where the allowance is payable by virtue of the widow's having a family (that is, where payable under subsection (1) (b) (i) of the said section 17) to less than—

(i) 26 shillings, plus

(ii) the difference between the two weekly rates of widowed mother's allowance as set out in Schedule 2 Part I column 2 of the said Act of 1946, plus

(iii) any increase in the allowance in respect of any child of the family other than the elder or eldest.

(2) In the said subsection (1) (b) (i) (which, as amended by Schedule 4 paragraph 2 of the National Insurance Act 1960, makes the widowed mother's allowance conditional in certain cases on the widow contributing to the cost of providing for a child at not less than 25 shillings a week) for the words "at the rate of 25 shillings a week or more" there shall be substituted the words "at a weekly rate not less than the difference between the two weekly rates of widowed mother's allowance as set out in the second column of Part I of the Second Schedule to this Act".

(3) So much of the said subsection (1) (b) (i) and of section 19 (3) proviso of the Industrial Injuries Act as authorises the making of regulations reducing the amount of an allowance or payments under either of those sections shall cease to have effect.

(4) In section 24 (1) of the said Act of 1946 (under which the increase of benefit in respect of a wife is not payable if her weekly earnings exceed 40 shillings) for the reference to 40 shillings there shall be substituted a reference to the amount of the increase as set out in Schedule 2 Part I column 5 of that Act and, accordingly, for the words "40 shillings" there shall be substituted the words "that amount".

Graduated contributions.

3.—(1) The upper limit on the amount of weekly pay taken into account under section 1 (1) (b) (iii) of the National Insurance Act 1959 (which fixes the graduated contributions payable by employees and employers) shall be increased from £15 to £18 and, accordingly, for the words "six pounds" in that subparagraph there shall be substituted the words "nine pounds".

(2) As respects service after such date as may be appointed by order of the Minister, in section 8 (1) (d) of the National Insurance Act 1959 (which defines equivalent pension benefits for the purpose of distinguishing non-participating employments from other employments) for the words from "the pension or the said part of it is of an amount" to the end of the paragraph there shall be substituted the words—

"the pension or the said part of it is of an amount not less, when expressed as an annual rate, than, in the case of a man, 69 shillings and 7 pence a year, and, in the case of a woman, 58 shillings a year, for each year of the period of service",

and regulations may, in order to facilitate the computations needed to ascertain equivalent pension benefits for the purpose of section 7 (3) of that Act (payments in lieu of contributions) or of any other provision of that Act, convert the formula in the said section 8 (1) (d) (as respects service before or after the

date appointed by the Minister under this subsection, or in respect of both kinds of service) into a formula expressed in terms—

- (a) of a minimum annual rate of pension for a period of service expressed in terms of weeks, or
- (b) of a minimum rate of pension, as a rate for a week or month or other period shorter than a year, for a period of service expressed in terms of weeks,

adjusting the figures so as to admit of tabulation and so as to avoid fractional amounts or otherwise facilitate computation, and making special provision for a period of service which does not amount to a whole number of weeks and for a week of service which includes the date appointed under this subsection.

(3) In applying section 7 (2) (a) of the National Insurance Act 1959 (which distinguishes non-participating employments from other employments by reference to equivalent pension benefits) to any employment after the date appointed under the last foregoing subsection no account shall be taken of service before that date.

(4) As respects service after such date as may be appointed by order of the Minister, in section 7 (3) (a) (payments in lieu of contributions), and in section 7 (5) (dual employments), of the National Insurance Act 1959 for the words "fifteen pounds" there shall be substituted the words "eighteen pounds".

Different dates may be appointed under this subsection for the said section 7 (3) and the said section 7 (5), but the date appointed for the said section 7 (3) shall not be earlier than the date appointed under subsection (2) of this section.

(5) If a payment is made as required by the said section 7 (3) in respect of a period—

- (a) falling partly before and partly after the date appointed under the last foregoing subsection for the said section 7 (3), or
- (b) falling partly before and partly after the date of any change in the percentage mentioned in section 1 (1) (b) (iii) of the National Insurance Act 1959 taking effect under section 1 (2) (a) of that Act, or
- (c) falling partly before and partly after the date of any change in the said percentage or the sums of money mentioned in the said section 1 (1) (b) (iii), or of any change in the rates of contributions set out in Schedule 1 of the National Insurance Act 1946, effected by or in pursuance of any Act passed after this Act,

and the amount of the payment is less than the full amount required, the Minister may allocate the payment as between the two parts of the period as he may think fit, and the said section 7 (3) shall apply to the payment as if the two parts of the period were separate periods.

(6) Any statutory instrument containing an order under this section shall be laid before Parliament after being made.

Higher contributions and benefits under Industrial Injuries Act.

4.—(1) In Schedule 2 Part I (Rates of contributions) of the National Insurance (Industrial Injuries) Act 1946 (in this Act referred to as the “Industrial Injuries Act”) for the table set out in Schedule 1 Part I of the National Insurance Act 1960 there shall be substituted the table set out in Schedule 3 Part I of this Act.

(2) In the provisions of the Industrial Injuries Act specified in Parts II and III of Schedule 3 of this Act (of which those in Part II relate to the rates and amounts of benefit described in column 2 thereof and those in Part III are connected with certain of the benefits so described) for the words set out in column 3 of the said Parts II and III there shall be substituted the corresponding words set out in column 4 thereof.

Allowances in respect of incapacities arising from pre-1948 employment.

5.—(1) The Workmen’s Compensation and Benefit (Supplementation) Act 1956 (which provides for the payment of 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), as amended by section 1 (1) of the Family Allowances and National Insurance Act 1961, shall have effect with the substitution in section 2 of a rate of allowance of 65 shillings a week for the rate of 32 shillings and 6 pence a week.

(2) The Family Allowances and National Insurance Act 1961 (which among other things provided for the payment of improved allowances in respect of incapacities arising from pre-1948 employment) shall, in relation to the payment of allowances for periods of incapacity for work falling after the coming into force of this subsection, be amended—

(a) by the substitution for section 1 (2) (a) (which altered to 66 shillings and to 50 shillings the monetary references in section 2 of the Workmen’s Compensation (Supplementation) Act 1951 which operate to limit the maximum weekly rate of allowance which under any scheme under the said Act of 1951 may be paid in cases of injury or disease arising out of pre-1924 employment) of the following paragraph—

“ (a) shall be amended by the substitution in section 2 (2) and (8) of references to 86 shillings and to 70 shillings for the references to 66 shillings and 50 shillings (which operate to limit the maximum weekly rate of allowance under any scheme); and ”,

and

(b) by the substitution in section 1 (2) (b) and in paragraph 1 (d) of Schedule 1 of references to 30 shillings for the

references to 10 shillings (which operate to limit the maximum weekly rate of allowance which under any scheme under the said Act of 1951 may be paid in cases of injury or disease arising out of post-1923 employment).

(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 be amended by the substitution in section 3 (2) of the Pneumoconiosis and Byssinosis Benefit Act 1951 of the words "or, if the disablement is not total, 42 shillings and 6 pence" for the words "or, if the disablement is not total, 27 shillings and 6 pence" (which were substituted by section 1 (3) of the said Act of 1961); and any scheme under those Acts of 1951 and 1954 which is in force at the coming into force of this subsection shall have effect accordingly.

(4) If an allowance under the Workmen's Compensation and Benefit (Supplementation) Act 1956 is awarded to a person who has previously been awarded an allowance under the Workmen's Compensation (Supplementation) Act 1951 or the Industrial Diseases (Benefit) Acts 1951 and 1954, and the conditions for entitlement to the two allowances are inconsistent, the decision awarding the allowance under the Act of 1956 shall direct that any sums paid under the other award to which the beneficiary cannot be entitled in addition to the allowance under the Act of 1956 shall be treated as paid on account of the allowance under the Act of 1956:

Provided that the award shall be subject to the condition that if there is a requirement to repay any sums paid on account of the allowance under the said Act of 1951 or the said Acts of 1951 and 1954 the direction shall not have effect in relation to those sums.

6.—(1) This section shall apply if the increases of benefit under this Act do not all take effect on the same date, and, after the passing of this Act, regulations are made under section 5 of the National Assistance Act 1948—

Transitory provisions as respects assistance grants.

- (a) which alter the scales used in computing the requirements of applicants for assistance grants by making increases in those scales which are to the advantage of the applicants, and
- (b) which are expressed to come into force on a date which is not later than the date by which all the increases of benefit under this Act have taken effect.

(2) If, in computing resources in connection with any assistance grant to be made for any period ending before the date on which the said regulations are expressed to come into force,

account is taken of a payment of benefit part of which represents an increase attributable to the provisions of this Act, the computations required in determining the amount of the assistance grant shall be made as if the said regulations were in force except that the amount of the assistance grant shall not thereby be increased beyond what it would have been if this Act had not been passed.

(3) In this section—

- (a) “assistance grant” has the meaning given to that expression by section 8 (1) of the National Assistance Act 1948,
- (b) “the date by which all the increases of benefit under this Act have taken effect” shall be that date as stated in an order under Schedule 4 paragraph 1 of this Act

Financial provisions.

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

- (a) any increase attributable to this Act in the sums payable out of moneys so provided under section 2 (b) of the Industrial Injuries Act or section 1 (3) of the National Insurance Act 1959 (Exchequer supplements) or section 12 (4) of the said Act of 1959 (Statutory superannuation schemes), and
- (b) subject to the provision made by section 60 of the Industrial Injuries Act for reimbursement out of the Industrial Injuries Fund or by section 38 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 or of any other Government department which are payable out of moneys so provided by virtue of either of those sections as amended or applied by any subsequent enactment,

and for the purposes of this subsection the expenses of the Minister shall include sums paid by the Minister under section 19 (2) of the Post Office Act 1961 which, in accordance with section 13 of the Family Allowances and National Insurance Act 1961, are treated for the purposes of the Industrial Injuries Act or the National Insurance Act 1946 as expenses of the Minister in carrying those Acts into effect.

(2) In section 19 (2) of the Post Office Act 1961 the expressions—

- “the Family Allowances Acts 1945 to 1959,”
- “the National Insurance Acts 1946 to 1959” and
- “the National Insurance (Industrial Injuries) Acts 1946 to 1959”

shall respectively include all the enactments which, under the Family Allowances and National Insurance Act 1961 or the

Act, may be cited as the Family Allowances Acts 1945 to 1961, the National Insurance Acts 1946 to 1963 and the National Insurance (Industrial Injuries) Acts 1946 to 1963, and, except so far as otherwise provided, whether expressly or by implication, any more enactments which, under any Act passed after this Act, are included in any citation which uses the phrase "the Family Allowances Acts", "the National Insurance Acts" or "the National Insurance (Industrial Injuries) Acts", as the case may be.

(3) There shall be paid into the Exchequer any sums falling to be so paid in consequence of this Act.

8.—(1) This Act may be cited as the National Insurance Act 1963.

Citation, commencement, 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 National Insurance (Industrial Injuries) Acts 1946 to 1961 as the National Insurance (Industrial Injuries) Acts 1946 to 1963, and

(b) together with the National Insurance Acts 1946 to 1961 as the National Insurance Acts 1946 to 1963.

(3) Schedule 4 of this Act shall have effect with respect to the commencement of this Act and the transitional and other matters there dealt with.

(4) The enactments mentioned in Schedule 5 of this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

(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) of this section, this Act shall not extend to Northern Ireland.

(6) 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.

SCHEDULES

Section 1

SCHEDULE 1

PROVISIONS TO BE SUBSTITUTED IN SCHEDULE 1
OF NATIONAL INSURANCE ACT 1946

CONTRIBUTION RATES

PART I

Employed Persons

Description of employed person	Weekly Rate of Contribution	
	Unless by virtue of a non-participating employment	If by virtue of a non-participating employment
	s. d.	s. d.
Men between the ages of 18 and 70 (not including men over the age of 65 who have retired from regular employment)—		
Earning remuneration at a weekly rate exceeding 80s.	8 3½	10 8½
Earning remuneration at a weekly rate of 80s. or less	4 8½	5 11½
Women between the ages of 18 and 65 (not including women over the age of 60 who have retired from regular employment)—		
Earning remuneration at a weekly rate exceeding 80s.	7 2½	8 8½
Earning remuneration at a weekly rate of 80s. or less	3 11½	4 8½
Boys under the age of 18	5 11½	
Girls under the age of 18	4 8½	

For the purposes of this Part and Part II of this Schedule a person shall be deemed to be earning remuneration at a weekly rate of 80 shillings or less if, but only if, his remuneration does not include the provision of board and lodging by the employer and the rate of the remuneration neither exceeds nor is deemed in accordance with regulations made under section 78(5) of this Act to exceed 80 shillings a week, and to be earning remuneration at a weekly rate exceeding 80 shillings in any other case.

PART II
Employers

SCH. 1

Description of employed person	Weekly Rate of Contribution	
	Unless by virtue of a non-participating employment	If by virtue of a non-participating employment
	s. d.	s. d.
Men over the age of 18—		
Earning remuneration at a weekly rate exceeding 80s. or not being liable to pay a contribution as an employed person ...	8 3½	10 8½
Earning remuneration at a weekly rate of 80s. or less and being liable to pay a contribution as an employed person ...	11 10½	15 5½
Women over the age of 18—		
Earning remuneration at a weekly rate exceeding 80s. or not being liable to pay a contribution as an employed person ...	7 2½	8 8½
Earning remuneration at a weekly rate of 80s. or less and being liable to pay a contribution as an employed person ...	10 5½	12 8½
Boys under the age of 18	5 11½	
Girls under the age of 18	4 8½	

For the purposes of this Part of this Schedule a person over pensionable age, not being an insured person, shall be treated as an employed person if he would be an insured person were he under pensionable age and would be an employed person were he an insured person.

PART III
Self-Employed Persons

Description of self-employed person	Weekly Rate of Contribution
	s. d.
Men between the ages of 18 and 70 (not including men over the age of 65 who have retired from regular employment)	13 4
Women between the ages of 18 and 65 (not including women over the age of 60 who have retired from regular employment)	11 0
Boys under the age of 18	7 7
Girls under the age of 18	6 3

SCH. 1

PART IV

Non-Employed Persons

Description of non-employed person	Weekly Rate of Contribution
Men between the ages of 18 and 65	s. d. 10 2
Women between the ages of 18 and 60	7 10
Boys under the age of 18	5 10
Girls under the age of 18	4 6

Section 1.

SCHEDULE 2

PROVISIONS TO BE SUBSTITUTED IN SCHEDULE 2 PART I OF NATIONAL INSURANCE ACT 1946

Rates of periodical benefits and of increases for dependants

Description of Benefit	Weekly rate	Increase for only child or eldest child (where payable)	Increase for each additional child (where payable)	Increase for adult dependant (where payable)
	s. d.	s. d.	s. d.	s. d.
1. Unemployment benefit and sickness benefit—				
(a) in the case of a person over the age of 18, not being a married woman	67 6	20 0	12 0	41 6
(b) in the case of a person under the age of 18, not being a married woman—				
(i) during any period during which that person is entitled to an increase of benefit in respect of a child or adult dependant	67 6	20 0	12 0	41 6
(ii) during any other period	38 6	—	—	—
(c) in the case of a married woman over the age of 18—				
(i) during any period during which she is entitled to an increase of benefit in respect of her husband, or during which she is not residing with her husband nor is he contributing to her maintenance at not less than the relevant rate	67 6	20 0	12 0	41 6

SCH. 2

Description of Benefit	Weekly rate		Increase for only child or elder or eldest child (where payable)		Increase for each additional child (where payable)		Increase for adult dependant (where payable)	
	s.	d.	s.	d.	s.	d.	s.	d.
1. Unemployment benefit and Sickness benefit— <i>cont.</i>								
(ii) during any other period	46	0	20	0	12	0	41	6
(d) in the case of a married woman under the age of 18—								
(i) during any period during which she is entitled to an increase of benefit in respect of her husband, or during which she is entitled to an increase of benefit in respect of a child or an adult dependant other than her husband and she is not residing with her husband nor is he contributing to her maintenance at not less than the relevant rate	67	6	20	0	12	0	41	6
(ii) during any other period during which she is entitled to an increase of benefit in respect of a child or adult dependant	46	0	20	0	12	0	41	6
(iii) during any other period	38	6	—	—	—	—	—	—
2. Maternity allowance	67	6	20	0	12	0	41	6
3. Widow's allowance	95	0	30	0	22	0	—	—
4. Widowed mother's allowance—								
(a) where payable under section 17 (1) (b) (i) of this Act	97	6	—	—	22	0	—	—
(b) in any other case	67	6	—	—	—	—	—	—
5. Widow's pension	67	6	—	—	—	—	—	—
6. Guardian's allowance	37	6	—	—	—	—	—	—
7. Retirement pension—								
(a) where the pension is payable to a woman by virtue of her husband's insurance and he is alive	41	6	20	0	12	0	—	—
(b) in any other case	67	6	20	0	12	0	41	6
8. Child's special allowance	30	0	—	—	22	0	—	—

1. In paragraphs 1 (c) (i) and 1 (d) (i) above "the relevant rate" means a weekly rate equal to the difference under this Schedule 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. The increases of maternity allowance specified in columns 3, 4 and 5 of this Part of this Schedule apply only in so far as provided for by regulations under section 8 of the National Insurance Act 1953.

E

Section 4.

SCHEDULE 3

AMENDMENTS OF INDUSTRIAL INJURIES ACT

PART I

TABLE TO BE SUBSTITUTED IN PART I OF SCHEDULE 2

Weekly Rates of Contributions payable by Insured Persons and Employers

Class of insured person to whom rate applies	Weekly rate of contribution	
	By the insured person	By the employer
Men over the age of 18 ...	d. 8	d. 9
Women over the age of 18 ...	5	6
Boys under the age of 18 ...	4	5
Girls under the age of 18 ...	3	3

PART II

AMENDMENTS OF BENEFIT PROVISIONS

(The references to the various provisions are references to those provisions as amended by Schedule 1 of the National Insurance Act 1960 and any other enactment specifically mentioned in column 1 of this Schedule)

Provision of Industrial Injuries Act	Description of rates and amounts of benefit	Existing rate or amount	New rate or amount
Section 11 (3) ...	Weekly rates of injury benefit— (a) for beneficiaries over 18 or with dependants, (b) for beneficiaries between 17 and 18 without dependants, (c) for beneficiaries under 17 without dependants.	97 shillings and 6 pence. 73 shillings and 2 pence. 48 shillings and 9 pence.	115 shillings. 86 shillings and 3 pence. 57 shillings and 6 pence.
Section 12 (6) ...	Maximum amount of disablement gratuity for disablement of less than twenty per cent.	Three hundred and twenty pounds.	Three hundred and eighty pounds.

SCH. 3

Provision of Industrial Injuries Act	Description of rates and amounts of benefit	Existing rate or amount	New rate or amount
Third Schedule (applied by s. 12 (7)).	Weekly rates of disablement pension for degrees of disablement of— 100 per cent. ... 90 per cent. ... 80 per cent. ... 70 per cent. ... 60 per cent. ... 50 per cent. ... 40 per cent. ... 30 per cent. ... 20 per cent. ...	97 shillings and 6 pence. 87 shillings and 9 pence. 78 shillings. 68 shillings and 3 pence. 58 shillings and 6 pence. 48 shillings and 9 pence. 39 shillings. 29 shillings and 3 pence. 19 shillings and 6 pence.	115 shillings. 103 shillings and 6 pence. 92 shillings. 80 shillings and 6 pence. 69 shillings. 57 shillings and 6 pence. 46 shillings. 34 shillings and 6 pence. 23 shillings.
Section 13 (1) ...	Amounts by which weekly rates of disablement pension are increased on account of unemployability— (a) for beneficiaries over 18 or with dependants, (b) for beneficiaries under 18 without dependants.	57 shillings and 6 pence. 32 shillings and 6 pence.	67 shillings and 6 pence. 38 shillings and 6 pence.
Section 14 (1) (as amended by s. 1 of National Insurance (Industrial Injuries) Act 1948).	Maximum amount of increase of weekly rate of disablement pension in cases of special hardship.	39 shillings.	46 shillings.
Section 15 (2) ...	Maximum amount of increase of weekly rate of disablement pension where constant attendance is needed— (a) in cases other than those of exceptionally severe disablement, (b) in cases of exceptionally severe disablement.	40 shillings. 80 shillings.	50 shillings. 100 shillings.

SCH. 3

Provision of Industrial Injuries Act	Description of rates and amounts of benefit	Existing rate or amount	New rate or amount
Section 17 (1) (as amended by s. 3 of National Insurance Act 1951).	<p>Amount of increase of weekly rates of injury benefit or (in certain cases) disablement pension—</p> <p>(a) in respect of only, elder or eldest child,</p> <p>(b) in respect of each child other than the elder or eldest.</p>	<p>17 shillings and 6 pence.</p> <p>9 shillings and 6 pence.</p>	<p>20 shillings.</p> <p>12 shillings.</p>
Section 18 (1) ...	Amount of increase of weekly rates of injury benefit or (in certain cases) disablement pension in respect of adult dependant.	35 shillings.	41 shillings and 6 pence.
Section 19 (3) ...	Weekly rate of widow's pension payable in circumstances specified in the subsection.	64 shillings.	75 shillings.
Section 19 (4) ...	Maximum higher weekly rate of widow's pension payable for prescribed period after deceased's death.	80 shillings.	95 shillings.
Section 20 (2) ...	Weekly rate of widower's pension.	64 shillings.	75 shillings.
Section 21 (1) (as amended by s. 3 of National Insurance Act 1951 and Schedule to Family Allowances and National Insurance Act 1956).	<p>Weekly rate of death benefit—</p> <p>(a) in respect of only, elder or eldest child,</p> <p>(b) in respect of each child other than the elder or eldest.</p> <p>Amount of increase of aforesaid weekly rate payable to a widow in circumstances specified in the subsection.</p>	<p>17 shillings and 6 pence.</p> <p>9 shillings and 6 pence.</p> <p>7 shillings and 6 pence.</p>	<p>20 shillings.</p> <p>12 shillings.</p> <p>10 shillings.</p>

PART III
CONSEQUENTIAL AMENDMENTS

SCH. 3

Provision of Industrial Injuries Act	Description of provision	Existing amount	New amount
Section 14 (3) (as set out in the Schedule to the National Insurance (Industrial Injuries) Act 1948 and amended by Schedule 1 Part III of the National Insurance Act 1960).	Limit on disablement pension increased in respect of special hardship.	97 shillings and 6 pence.	115 shillings.
Section 21 (1) (as amended by paragraph 10 of the Schedule of the Family Allowances and National Insurance Act 1956 and the said Schedule 1 Part III).	Restriction on special increase of death benefit by reference to amount contributed by a widow to the cost of providing for a child belonging to the family of the deceased.	25 shillings.	30 shillings.
Section 29 (1) (a) (as amended by the National Insurance (Industrial Injuries) Act 1948 and the said Schedule 1 Part III).	Limits on aggregate of weekly benefit payable for successive accidents.		
Sub-paragraph (i) and sub-paragraph (ii)		97 shillings and 6 pence.	115 shillings.
Sub-paragraph (ii).		73 shillings and 2 pence.	86 shillings and 3 pence.
Sub-paragraph (iii).		48 shillings and 9 pence.	57 shillings and 6 pence.

Section 8.

SCHEDULE 4

COMMENCEMENT, TRANSITIONAL PROVISIONS AND
CONSTRUCTION*General provisions for appointed days*

1.—(1) Subject to paragraph 2 of this Schedule, the following provisions of this Act, that is to say—

- sections 1 and 2,
- section 3 (1),
- section 4,
- section 5,
- Schedules 1 to 3, and
- Schedule 5

shall not come into force until such date as the Minister may by order appoint, and different days may be appointed for different purposes of this Act or for the same purposes in relation to different cases or classes of case.

(2) Any such order may—

- (a) if the date thereby appointed is appointed for some only of the purposes of this Act or in relation only to some cases or classes of case, contain such incidental or supplementary provisions as appear to the Minister to be necessary and expedient as respects the period or any part of the period when this Act is to have a partial operation only, and, in particular, provisions modifying and supplementing, in relation to the period to which the order is to apply, the provisions of this Act or any Act amended by this Act;
- (b) be varied or revoked by a subsequent order under this sub-paragraph.

(3) Any statutory instrument containing an order under this paragraph shall be laid before Parliament after being made.

*Coming into operation under section 7 (3)
of National Insurance Act 1959*

2.—(1) For the purposes of section 7 (3) of the National Insurance Act 1959 sections 1 (1) and 3 (1), and Schedule 1, of this Act shall come into force so as to apply in relation to service after the date appointed under section 3 (2) of this Act (and not in relation to earlier service) and, for other purposes, the date appointed under the foregoing paragraph for the coming into force of the said sections 1 (1) and 3 (1) shall be not later than that date.

(2) For the purposes of the said section 7 (3) nothing in any regulations under the National Insurance Act 1946 which state that they were made in consequence of this Act shall affect the rate of contribution which would be payable before the said date appointed under section 3 (2) of this Act.

*Effect of awards made before, or in respect of the period
beginning before, appointed or prescribed day*

3.—(1) Where an award of any benefit under the Industrial Injuries Act or the National Insurance Act 1946 has been made, whether before or after the passing of this Act, before the day appointed or prescribed

for the payment of benefit of the description to which the award relates at a higher weekly rate by virtue of this Act or any regulations made in consequence thereof, then, subject to such exceptions or conditions as may be prescribed by regulations made by the Minister, the benefit shall, without any claim being made therefor, become payable (except as respects any period falling before that day) at the higher weekly rate, and the award shall have effect accordingly.

SCH. 4

(2) Where any such award—

(a) is made after a day has been appointed or prescribed for the payment of benefit of the description to which the award relates at a higher weekly rate or within a higher maximum weekly rate by virtue of this Act or any regulations made in consequence thereof; and

(b) is made before that day,

the award may provide for the benefit to be paid, as from that day, at the higher weekly rate, or as the case may be, at any weekly rate within the higher maximum rate.

Variation of disablement gratuities

4. Any regulations made in consequence of this Act varying the scale of disablement gratuities prescribed under section 12 (6) of the Industrial Injuries Act may provide that the scale as varied shall apply only in cases where the period taken into account by the assessment of the extent of the disablement in respect of which the gratuity is awarded begins or began after such day as may be prescribed.

Maternity grant

5. The provisions of this Act increasing maternity grants shall not affect—

(a) the amount of such a grant where the confinement occurred before the day appointed in relation to those provisions under this Schedule, or

(b) the amount of any such grant to which a woman has become entitled before the said day by virtue of regulations made under section 14 (4) of the National Insurance Act 1946 as set out in Schedule 1 of the National Insurance Act 1953:

Provided that regulations made by the Minister may provide for increasing to the amount provided for by this Act the amount of a maternity grant to which a woman has become entitled before the said day (whether payment has already been made or not) if the confinement in question has not occurred before that day and her pregnancy has not been otherwise terminated before that day.

Allowances in respect of incapacities arising from pre-1948 employment

6.—(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

SECT. 4 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 5 of this Act, and the award shall have effect accordingly.

(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 the foregoing provisions of this paragraph "the increase date" means the date appointed for the higher weekly rate to become effective under subsection (1) or subsection (3), as the case may be, of section 5 of this Act.

(4) Section 1 (4) of the Workmen's Compensation (Supplementation) Act 1951, so far as it prohibits the making of a scheme under that Act unless a draft of the scheme has been laid before Parliament and approved by a resolution of each House, shall not apply to any such scheme made before the expiration of the period of six months beginning with the date of the passing of this Act if the statutory instrument containing the scheme states that the scheme is made in consequence of this Act; but any statutory instrument containing a scheme which, by virtue of the foregoing provision, is not required to be laid and approved in draft as aforesaid before being made shall be subject to annulment in pursuance of a resolution of either House of Parliament.

General transitional provision as to regulations

7. Section 61 (2) of the Industrial Injuries Act (which requires any proposal to make regulations to be referred to the Industrial Injuries Advisory Council for consideration and advice) and section 77 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.

Construction

8. This Act—

- (a) in so far as it relates to the subject matter of the National Insurance (Industrial Injuries) Acts 1946 to 1961 shall be construed as one with the Industrial Injuries Act, and
- (b) in so far as it relates to the subject matter of the National Insurance Acts 1946 to 1961 shall be construed as one with the National Insurance Act 1946.

References to National Insurance Acts in National Health Service Contributions Act 1957

SCH. 4

9. It is hereby declared that any reference in the National Health Service Contributions Act 1957 to the National Insurance Acts (which, by virtue of section 1 (1) of that Act, Schedule 2 paragraph 1 of the National Health Service Contributions Act 1961 and Schedule 3 paragraph 13 (3) of the Family Allowances and National Insurance Act 1961, is a reference to the enactments which may be cited as the National Insurance Acts 1946 to 1956, together with certain later enactments) is a reference to those enactments as amended by this Act.

SCHEDULE 5

Section 8.

REPEALS

Session and Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 6. c. 62.	The National Insurance (Industrial Injuries) Act 1946.	In section 19 (3) proviso the words from "and regulations" to the end of the subsection.
9 & 10 Geo. 6. c. 67.	The National Insurance Act 1946.	In section 17, in subsection (1) (b) (i), the words from "so however" to the words "elder or eldest" at the end of the said paragraph (i), and in subsection (3) the proviso.
4 & 5 Eliz. 2. c. 50.	The Family Allowances and National Insurance Act 1956.	In the Schedule, in section 17 (1) (b) (i) of the National Insurance Act 1946 as set out in paragraph 1 the words from "so however" to "elder or eldest" at the end of the said paragraph (i), paragraph 3 and paragraph 9 (b).
7 & 8 Eliz. 2. c. 47.	The National Insurance Act 1959.	Section 1 (3) (c).
9 & 10 Eliz. 2. c. 5.	The National Insurance Act 1960.	Section 1 (1) (2). Section 2 (1) (2) (5) and in section 2 (3) the words "maternity grant and", "twelve pounds ten shillings and", "fourteen pounds and" and, in both places, "respectively". Section 4. Section 6 (3). In Schedule 1, Parts I and II and in Part III paragraphs 1 to 3. Schedules 2 and 3. In Schedule 4, paragraph 2. Schedule 5, but not so as to affect regulations which have been made under that Schedule.
10 & 11 Eliz. 2. c. 6.	The Family Allowances and National Insurance Act 1961.	Section 1 (1) (3). Section 7 (1) (4). In Schedule 3, paragraph 1 and paragraph 2.

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Table of Statutes referred to in this Act

Short Title	Session and Chapter
National Insurance (Industrial Injuries) Act, 1946	9 & 10 Geo. 6. c. 62.
National Insurance Act 1946	9 & 10 Geo. 6. c. 67.
National Assistance Act 1948	11 & 12 Geo. 6. c. 29.
Workmen's Compensation (Supplementation) Act 1951.	14 & 15 Geo. 6. c. 22.
Pneumoconiosis and Byssinosis Benefit Act 1951	15 & 16 Geo. 6 & 1 Eliz. 2. c. 4.
National Insurance Act 1953	1 & 2 Eliz. 2. c. 29.
Workmen's Compensation and Benefit (Supplementation) Act 1956.	4 & 5 Eliz. 2. c. 51.
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 Insurance Act 1959	7 & 8 Eliz. 2. c. 47.
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.
Family Allowances and National Insurance Act 1961.	10 & 11 Eliz. 2. c. 6.

1963 CHAPTER 8

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on 31st March 1962, 1963 and 1964. [28th March 1963]

Most Gracious Sovereign,

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

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom and apply towards making good the supply granted to Her Majesty for the service of the years ending on 31st March 1962 and 1963, the sum of £115,301,030.

Issue of
£115,301,030
out of the
Consolidated Fund
for the service of
the years ending
31st March 1962
and 1963.

2. The Treasury may issue out of the Consolidated Fund of the United Kingdom and apply towards making good the supply granted to Her Majesty for the service of the year ending on 31st March 1964, the sum of £2,388,393,100.

Issue of
£2,388,393,100
out of the
Consolidated Fund
for the service of
the year ending
31st March 1964.

3.—(1) The Treasury may borrow from any person by the issue of Treasury Bills or otherwise, and the Bank of England and the Bank of Ireland may advance to the Treasury on the credit of the said sums, any sum or sums not exceeding in the whole £2,503,694,130.

Power for
the Treasury
to borrow.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than 31st March 1964, 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) Act 1963.

1963 CHAPTER 9

Purchase Tax Act 1963

ARRANGEMENT OF SECTIONS

Preliminary

Section.

1. Charge and management of purchase tax.
2. Chargeable goods and rates of tax.
3. Wholesale value.

Registration

4. Registration of wholesalers and manufacturers.
5. Applications for registration.
6. Duties of Commissioners with regard to registration.
7. Registration of retailer purchasing on wholesale scale.
8. Cases in which registration may be withheld.

E* 2

General provisions as to charge of tax

Section.

9. Tax on wholesale purchases.
10. Tax on goods appropriated or applied by wholesalers and manufacturers.
11. Tax on goods imported.
12. Tax on goods of persons ceasing to be registered.
13. Representations as to the purpose of a purchase or importation.

Special classes of chargeable goods

14. Tax on goods resulting from chargeable processes.
15. Vehicles and other goods chargeable as finished and complete.
16. Vehicles converted into passenger vehicles or the like.
17. Drugs and medicines.

Reliefs from tax

18. Relief for exported goods.
19. Relief against double charge of tax.
20. Relief for goods applied to charitable and other purposes.
21. Relief for certain imported goods.
22. Relief for re-imported goods.
23. Remission of tax on exported vehicles.

Collection and enforcement

24. Invoices, accounts, information etc.
25. Application of customs enactments to imported chargeable goods.
26. Payment and recovery of tax chargeable.
27. Recovery of tax on basis of Commissioners' estimate.
28. Provisions for securing enforcement of s. 16.
29. Substitution of agent etc. for person not resident in the United Kingdom.
30. Priority of tax in bankruptcy.
31. Commissioners' regulations.
32. Power to take samples.
33. Offences.
34. Supplementary provisions as to enforcement and notices.

Supplemental

35. Effects on contracts etc., of changes in tax.
36. Determination of disputes as to wholesale value etc.
37. Reservation of the tax in Northern Ireland.
38. Isle of Man.
39. Treasury orders.
40. Interpretation.
41. Repeals, revocations, savings and transitional provisions.
42. Short title and commencement.

SCHEDULES:

- Schedule 1—Chargeable goods and provisions relating thereto.
- Schedule 2—Determination of wholesale value.
- Schedule 3—Chargeable processes: relevant classes of goods.
- Schedule 4—Repeals and revocations.
- Schedule 5—Saving and transitional provisions.

An Act to consolidate the enactments relating to purchase tax.
[28th March 1963]

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:—

Preliminary

1.—(1) Purchase tax shall be charged under the following provisions of this Act on or in respect of the wholesale value of chargeable goods which are purchased from or appropriated or applied by persons required by this Act to be registered, or which result from the application by such persons of chargeable processes, or are imported or otherwise dealt with as mentioned in those provisions. Charge and management of purchase tax.

(2) The tax shall be under the care and management of the Commissioners of Customs and Excise, who may do all such acts as may be deemed necessary and expedient for raising, collecting, receiving and accounting for the tax in the like and as full and ample a manner as they are authorised to do with relation to any duties under their care and management.

(3) All money and securities for money collected or received for or on account of the tax shall—

- (a) if collected or received in Great Britain, be placed to the general account of the Commissioners kept at the Bank of England under section 11 of the Customs and Excise Act 1952;
- (b) if collected or received in Northern Ireland, be paid into the Exchequer in such manner as the Treasury may direct.

2.—(1) Subject to the provisions of this section, the goods which are chargeable goods are those comprised in the Groups listed in Part I of Schedule 1 to this Act, other than goods which are exempt from all charge to tax under the said Part I; and the rates of tax chargeable in respect of chargeable goods of any class are those prescribed by the said Part I. Chargeable goods and rates of tax.

(2) The list of Groups in the said Part I shall be interpreted in accordance with the rules set out at the beginning of the said Part I.

(3) The Treasury may by order made by statutory instrument—

(a) make any change in the classes of goods which are chargeable goods ;

(b) substitute for the rate of tax chargeable in respect of goods of any class either—

(i) any lower rate, or

(ii) a higher rate at which tax is for the time being chargeable in respect of goods of another class ;

(c) amend Part I of Schedule 1 to this Act.

(4) Subsection (3) of section 39 of this Act applies to any order under this section which extends the incidence or increases the rate of tax ; and subsection (4) of that section applies to any other order under this section.

**Wholesale
value.**

3.—(1) Subject to the provisions of this section, the wholesale value of any goods in respect of which tax is chargeable shall be taken to be the price which in the opinion of the Commissioners the goods would fetch, on a sale made at the time when the tax in respect of the goods becomes due by a person selling by wholesale in the open market in the United Kingdom to a retail trader carrying on business in the United Kingdom only, if no tax were chargeable in respect of the sale and it were made in the circumstances specified in Schedule 2 to this Act.

(2) Where the goods to be valued are goods bought by a retail trader under a chargeable purchase (whether from a wholesale merchant or from the manufacturer of the goods), or imported in pursuance of a purchase by such a trader, then, unless it appears to the Commissioners—

(a) that by reason of the quantity of goods comprised in the purchase, the price payable thereunder is lower than the price which would be paid by retail traders in general for goods of the like description ; or

(b) that the retail trader, in carrying on his business in respect of such goods—

(i) performs any of the functions usually performed by wholesale merchants, or

(ii) otherwise enjoys any purchasing advantage over retail traders in general ; or

- (c) that the seller mainly sells to persons whose purchases are substantially greater than those made by the majority of retail traders,

the wholesale value of the goods as determined under this section shall not exceed a sum equal to the price payable under the purchase, exclusive of tax and properly adjusted so as to take account of any circumstances differentiating the purchase from a sale made in the circumstances specified in Schedule 2 to this Act and of any difference between the actual state of the goods and the state in which they are to be assumed to be for the purposes of valuation.

(3) Where the goods to be valued are not goods bought or imported as mentioned in subsection (2) of this section or, being such goods, are excluded from the operation of that subsection under paragraph (a), (b) or (c) thereof, the Commissioners shall, in determining the price which the goods would fetch on a sale made as mentioned in subsection (1) of this section, have regard to the extent to which goods of the like description are sold to retail traders in general by manufacturers as well as by wholesale merchants.

Registration

4.—(1) Subject to the provisions of this section and of section 8 of this Act, the following persons shall be registered under this Act, that is to say:—

Registration of
wholesalers
and manu-
facturers.

- (a) every wholesale merchant or manufacturer whose business includes the selling of any chargeable goods ;
- (b) every manufacturer whose business includes the letting out on hire of chargeable goods manufactured by him ;
- (c) every manufacturer who appropriates or applies to use in or in connection with a business carried on by him chargeable goods manufactured by him in the United Kingdom for that purpose ; and
- (d) every person who, in the course of or for the purposes of his business, applies a chargeable process.

(2) Unless he falls within paragraph (d) of subsection (1) of this section, a person shall not be registered by virtue of that subsection if the following amount or, as the case may be, the aggregate of the following amounts, that is to say—

- (a) the gross takings from his sales of chargeable goods (excluding in the case of a manufacturer who is not also a wholesale merchant any sales by retail of goods not made by him) ; and
- (b) the wholesale value of all chargeable goods in respect of which he is, or but for this subsection would be,

accountable for tax by virtue of an appropriation to such a business as is mentioned in paragraph (b), or by virtue of any such appropriation or application as is mentioned in paragraph (c), of the said subsection (1),

has not on the average exceeded five hundred pounds per annum or, in the case of a business recently commenced, is unlikely to do so.

(3) A manufacturer who is not required by subsection (1) of this section to be registered shall be registered if he satisfies the Commissioners in the prescribed manner that he uses chargeable goods in substantial quantities as materials.

(4) The Treasury may by order made by statutory instrument direct—

(a) that subsection (2) of this section shall have effect with the substitution for the amount of five hundred pounds therein mentioned of such larger or smaller amount as may be specified in the order; or

(b) that the said subsection (2) shall be suspended during the continuance in force of the order.

(5) Section 39 (2) of this Act applies to any order of the Treasury under this section.

Applications
for
registration.

5.—(1) Every person carrying on business in such circumstances that he is required under section 4 (1) of this Act to be registered shall, before the expiration of fourteen days from the relevant date, make an application for registration in the prescribed form to the Commissioners.

(2) In the foregoing subsection “the relevant date”, in relation to any person to whom the subsection applies, means the date on which that person begins to carry on business in such circumstances as aforesaid, or on which the circumstances become such as aforesaid (whether by reason of a change in the circumstances of his business or otherwise), as the case may be.

(3) Where a wholesale merchant or manufacturer who is by virtue of section 4 (2) of this Act not for the time being registered becomes aware, or has reasonable cause for believing, that such a change in the circumstances of his business has occurred as to render that subsection no longer applicable to him, he shall forthwith give information to the Commissioners of the change.

Duties of
Commissioners
with regard to
registration.

6.—(1) The Commissioners shall, subject to the provisions of section 8 of this Act, register every person who is required by this Act to be registered, and on registering any such person shall, subject to the provisions of this section, issue to him a certificate of registration.

(2) Where a person who is registered ceases to be required by this Act to be registered, the Commissioners shall cancel his registration.

(3) Not less than fourteen days before registering a person (otherwise than in accordance with an application for registration made by him) or cancelling the registration of a registered person (otherwise than with his assent under subsection (1) of the said section 8), the Commissioners shall serve notice on him of their intention to register him or to cancel the registration, as the case may be.

(4) The Commissioners may, where it appears to them to be requisite for the security of the revenue to do so, impose as a condition of issuing a certificate of registration to a registered person or of the continuance in effect of such a certificate issued to such a person—

- (a) a requirement that he shall give security up to an amount and in a manner approved by the Commissioners for the payment of tax for which he may be or become accountable; or
- (b) a requirement that he shall make representations as being the holder of a certificate of registration only in such circumstances or as respects such classes of goods as the Commissioners may from time to time direct,

or both of those requirements.

(5) Without prejudice to subsection (4) of this section, the Commissioners shall not be required in any case to issue a certificate of registration to a person who is registered, if he is required to be registered by virtue only of paragraph (d) of section 4 (1) of this Act.

(6) The fact that a person who is required to be registered is by virtue of any provision of this section not for the time being entitled to a certificate of registration shall not be treated as derogating in any respect from the effect of that requirement.

7. Where the Commissioners are satisfied that a person makes, for the purposes of a business of selling by retail carried on by him, purchases of chargeable goods which in value and character are such as in the ordinary course of trade are made by wholesale merchants, he shall be registered; and this Act (except sections 4 (1), 4 (2) and 5) shall have effect in relation to a person required by this section to be registered as it has effect in relation to a wholesale merchant, and references in this Act to a wholesale merchant shall be construed accordingly.

Registration of retailer purchasing on wholesale scale.

Cases in which registration may be withheld.

8.—(1) If, in the case of any wholesale merchant or manufacturer who, apart from any exercise of the power conferred on the Commissioners by this subsection, is required by section 4 (1) of this Act to be registered, the Commissioners are satisfied, on a comparative estimate of—

- (a) the amount of the tax which, apart from any exercise of the said power, will become chargeable by virtue of purchases from him as being a person required by this Act to be registered, and of appropriations and applications such as are mentioned in section 10 of this Act made by him as being a person so required ; and
- (b) the amount of the tax which, if he is not registered, will become chargeable by reason of the fact that the provisions of this Act relating to the tax as to purchases by or sales to or importations for a registered person as stock for his business or as materials will not in that event apply to him,

that the latter amount will on the average be not less than the former, they may, if he is not already registered, refrain from registering him so long as they are so satisfied, or, if he is already registered, cancel his registration and thereafter refrain from registering him so long as they are so satisfied.

(2) Any estimate of the amount of tax chargeable in any circumstances to be made by the Commissioners for the purposes of subsection (1) of this section shall be made by reference to section 3 of this Act as that section would have effect if subsections (2) and (3) were omitted.

(3) If, in the case of a person who is required to be registered by virtue only of section 4 (1) (d) of this Act, the Commissioners think fit to do so, they may, if he is not already registered, refrain from registering him, or if he is already registered, cancel his registration and thereafter refrain from registering him.

(4) As respects any period during which the Commissioners refrain under this section from registering a person who would otherwise be required by subsection (1) of section 4 of this Act to be registered, that person shall be treated for the purposes of this Act (other than subsection (3) of the said section 4) as being a person not required to be registered.

General provisions as to charge of tax

Tax on wholesale purchases.

9.—(1) Tax shall be charged, subject to and in accordance with the provisions of this Act, on the wholesale value of all chargeable goods bought under chargeable purchases.

(2) A chargeable purchase is a purchase made from a wholesale merchant or manufacturer who is required by this Act to be registered, selling by wholesale, not being—

- (a) a purchase of goods by a registered wholesale merchant as stock for his business ; or

- (b) a purchase of goods by a registered manufacturer as materials.
- (3) A purchase is a chargeable purchase only so far as it relates to goods in the United Kingdom, that is to say—
- (a) in the case of a purchase of ascertained goods, goods bought under the purchase which are in the United Kingdom at the time of the purchase ;
- (b) in the case of a purchase of unascertained goods, goods appropriated to the purchase which are in the United Kingdom at the time of the appropriation.
- (4) Tax chargeable in respect of any goods by virtue of a purchase becomes due on the delivery of the goods under the purchase, and the seller under the purchase is accountable for it.

10.—(1) Tax shall be charged, subject to and in accordance with the provisions of this Act, on the wholesale value of chargeable goods which, being in the ownership of a wholesale merchant or manufacturer who is required by this Act to be registered and being goods to which this section applies, are appropriated or applied by him to any of the following purposes:—

Tax on goods appropriated or applied by wholesalers and manufacturers.

- (a) to the purposes of any business carried on by him of selling chargeable goods by retail (otherwise than to registered manufacturers as materials) ; or
- (b) to the purposes of any business carried on by him of letting out chargeable goods on hire ; or
- (c) in the case of chargeable goods being beverages or products for the preparation of beverages, to the production of beverages which are not purchase tax goods (other than spirits, beer or British wine produced under the authority of the appropriate excise licence) ; or
- (d) to any other purpose, not being a sale of the goods under a purchase which is a chargeable purchase or a sale of the goods to a registered wholesale merchant as stock for his business or to a registered manufacturer as materials.
- (2) The goods of a wholesale merchant or manufacturer to which this section applies are :—
- (a) goods the property in which he acquired under a purchase of goods as stock for his business or as materials ;
- (b) goods imported for him as stock for his business or as materials ; and
- (c) goods made by him or resulting from a process applied by him.

(3) Tax chargeable in respect of any goods by virtue of an appropriation or application becomes due at the time of the appropriation or application, and the person who appropriates or applies the goods is accountable for it.

(4) The references in subsection (1) (c) of this section to spirits, beer and British wine shall be construed as if they were contained in the Customs and Excise Act 1952.

Tax on goods imported.

11. Tax shall be charged, subject to and in accordance with the provisions of this Act, on the wholesale value of all chargeable goods imported into the United Kingdom except goods imported for a registered wholesale merchant as stock for his business or imported for a registered manufacturer as materials.

Tax on goods of persons ceasing to be registered.

12.—(1) Subject to the provisions of this section, when a person ceases to be required by this Act to be registered, tax shall become chargeable in respect of any chargeable goods then in his ownership, being goods to which section 10 of this Act applies and in respect of which tax has not become chargeable under that section on any appropriation or application by him, as if they had been delivered by him under a chargeable purchase from him while he was required by this Act to be registered.

(2) Payment of tax due by virtue of this section shall, subject to any conditions the Commissioners may impose for the purpose of protecting the revenue, be deferred for such period as the Commissioners may allow having regard to the said purpose and to the time when tax in respect of the goods might have been expected to become payable if the person accountable for the tax had continued to be required to be registered; and if that person satisfies the Commissioners that any of the goods have been sold to a registered person as stock or as materials or exported by him within the period so allowed, or within any further period which the Commissioners may allow, the tax chargeable under this section in respect of the goods so sold or exported shall be remitted or, if it has been paid, shall be repaid.

(3) While any tax for which a person is accountable by virtue of this section remains unpaid, any regulations for the time being in force under section 31 (1) of this Act shall apply to him as if he were a registered person.

Representations as to the purpose of a purchase or importation.

13.—(1) Subject to subsection (2) of this section, a purchase shall be deemed for the purposes of this Act to be a purchase of goods by a registered wholesale merchant as stock for his business, or by a registered manufacturer as materials, if a representation is made to the seller in the prescribed manner and at the prescribed time by the buyer that he is the holder of a certificate of registration issued under this Act, and that he intends to sell the goods or to use them as materials, and not otherwise.

(2) A purchase made by a registered person otherwise than in the United Kingdom or made by a person required by this Act to be registered before the date on which he is registered shall be deemed for the purposes of this Act to be such a purchase as aforesaid if the Commissioners are satisfied, on a representation to that effect made to them, that the purchase was so made and that the buyer intended to sell the goods or to use them as materials.

(3) Imported goods shall be deemed for the purposes of this Act to be imported for a registered wholesale merchant as stock for his business, or for a registered manufacturer as materials, if the Commissioners are satisfied, on a representation to that effect made to them in the prescribed manner and at the prescribed time by a person claiming to be the holder of a certificate of registration, that he is the holder of such a certificate and that he intends to sell the goods or to use them as materials.

(4) Where under subsection (3) of this section any imported chargeable goods are, in consequence of such a representation as is mentioned in that subsection, deemed to be imported as therein mentioned, the Commissioners may from time to time require the person by whom the representation was made to account for the goods; and in any such case, unless that person proves—

- (a) that he has sold the goods under a chargeable purchase, or to a registered wholesale merchant as stock for his business, or to a registered manufacturer as materials; or
- (b) that he has used the goods as materials; or
- (c) that he has appropriated or applied the goods as mentioned in section 10 of this Act,

or the goods are otherwise accounted for to the satisfaction of the Commissioners, the tax which, if the goods had not been deemed to be imported as aforesaid, would have been payable under section 11 of this Act by virtue of their importation shall be deemed to have become payable on the making of the requirement and shall be recoverable as a debt due to Her Majesty from the person by whom the representation was made.

(5) The Commissioners may, where it appears to them to be necessary for the security of the revenue to do so, impose upon any person, as a condition of his having the benefit of subsection (2) of this section, either or both of the requirements which they are authorised by section 6 (4) of this Act to impose as a condition of issuing a certificate of registration.

(6) If any person for the purposes of subsection (1), subsection (2) or subsection (3) of this section falsely represents that he is

a holder of a certificate of registration or that he is, or is by this Act required to be, registered, the amount of any tax which would have been chargeable in respect of the purchase or importation in question if the representation had not been made to the seller, or had not been acted on by the Commissioners, as the case may be, shall be recoverable from that person in like manner as if it had been chargeable and he had been accountable for it, without prejudice to any punishment to which he is liable under section 33 of this Act.

Special classes of chargeable goods

Tax on goods resulting from chargeable processes.

14.—(1) For the purposes of this Act a person shall be deemed to apply a chargeable process if he applies any process of manufacture which results in chargeable goods of any of the classes specified in Schedule 3 to this Act, whether or not the goods to which the process was applied were, before it was applied, goods of the same class or any other class specified in that Schedule.

In this subsection “ process of manufacture ” means a process applied so as to make goods or in the course of making goods.

(2) Subject to the provisions of this section, where any person required by this Act to be registered applies a chargeable process, tax shall be charged on the wholesale value of the resulting chargeable goods.

(3) Tax under this section becomes due on the completion of the chargeable process, and the person who applies the process is accountable for it.

(4) A person is not accountable for tax under this section in respect of goods resulting from the application of a chargeable process where those goods are his property at the time of the completion of the process, but nothing in this subsection shall prejudice the application to him of section 10 of this Act in relation to those goods.

(5) Where a chargeable process is applied to any goods under a contract and the person to whose order the process is applied under the contract makes, at such time and in such manner as the Commissioners may direct, a representation to the other party to the contract that he is a registered person and undertakes to account for any tax payable, then—

- (a) that other party shall not become accountable for tax under this section by reason of the application of the process ; and
- (b) if at the time of the completion of the process the person making the representation is not registered he shall (without prejudice to any liability to punishment in respect of any false statement in the representation)

be accountable for the tax chargeable by reason of the application of the process if he is not otherwise accountable for it.

(6) Where in respect of the application of a chargeable process to chargeable goods it is shown to the satisfaction of the Commissioners—

(a) that those goods were at the time of the application of the process the property of the person to whose order the process was applied and were last acquired by him more than two years, or such shorter period as the Commissioners may allow, before that time, or were acquired by him under any testamentary disposition or intestacy; and

(b) that the goods were not held by him at any time as stock for the purposes of any trade carried on by him,

any tax chargeable by virtue of the application of the process shall, instead of being chargeable on the wholesale value of the resulting goods, be chargeable on the amount by which that value exceeds the wholesale value of so much of the chargeable goods to which the process was applied as is incorporated in the resulting goods.

(7) If the person referred to in paragraph (a) of subsection (6) of this section, in furnishing any information for the purpose of, or in connection with, the obtaining of any relief under the said subsection (6), makes any statement which he knows to be false in a material particular or recklessly makes any statement which is false in a material particular, he shall, without prejudice to any liability to punishment in respect thereof, be accountable for the tax which would be chargeable by virtue of the application of the process apart from the said subsection (6).

(8) The Treasury may by order made by statutory instrument vary Schedule 3 to this Act either by the addition or by the omission of any class of goods or by the alteration of the description of any class of goods.

(9) Subsection (3) of section 39 of this Act applies to any order under this section which extends the incidence of tax; and subsection (4) of that section applies to any other order under this section.

15.—(1) Any tax chargeable in respect of goods to which this section applies shall be chargeable on the wholesale value of the goods finished and complete; and for the purposes of section 3 of this Act any goods to which this section applies in respect of which tax is chargeable shall be assumed to be in that state

Vehicles and other goods chargeable as finished and complete.

(2) This section applies to mechanically propelled vehicles and goods of such other classes as the Treasury may by order made by statutory instrument direct; and the power to make orders under this subsection includes power—

- (a) to direct that for the purposes of this Act goods without a specified part or accessory shall fall within the same class as goods complete with that part or accessory, being a class or part of a class of goods to which this section applies; and
- (b) to vary or revoke subsection (5) of this section as if it were contained in an order under this section.

(3) Subsection (3) of section 39 of this Act applies to any order under this section which has the effect of increasing the tax chargeable in respect of any goods or which extends the incidence of tax; and subsection (4) of that section applies to any other order under this section.

(4) It shall be for the Commissioners to determine for any class of goods to which this section applies, or for any type of goods of any such class—

- (a) what process those goods, or goods of that type, must have undergone if they are to be regarded for the purposes of this section as finished;
- (b) what parts and accessories are for those purposes to be deemed to belong to such goods when complete; and
- (c) what type of any part or accessory deemed to belong to such goods when complete, goods lacking that part or accessory are to be treated for those purposes as having;

and in exercising their powers under this subsection the Commissioners shall wherever practicable have regard to any standard specification for the type of goods in question and to the common practice of users of such goods.

(5) For the purposes of this Act a vehicle designed to be mechanically propelled shall be deemed to be mechanically propelled, whether or not complete with an engine and other parts and accessories required for the purpose.

Vehicles converted into passenger vehicles or the like.

16.—(1) In this section and elsewhere in this Act “car” means (subject to subsection (7) of this section) any mechanically propelled vehicle which is comprised in paragraph (a) or paragraph (b) of Group 27 in Part I of Schedule 1 to this Act and is chargeable goods, other than a bicycle or a bicycle and sidecar combination.

(2) Where a person, whether registered or required by this Act to be registered or not, converts a vehicle which is not a car into a car, tax shall be charged on the wholesale value of the car unless he does so in the course of a business which ordinarily includes the manufacture of cars.

(3) Tax chargeable under this section in respect of a car becomes due—

- (a) when the process in respect of which the tax is chargeable is completed ; or
- (b) when the car is first used on a public road or elsewhere, or registered under the Vehicles (Excise) Act 1962 or any corresponding enactment for the time being in force in Northern Ireland, after the process was begun,

whichever is the earlier ; and (subject to subsection (5) of this section) any such tax shall be payable within seven days from demand or such longer period as the Commissioners may in any case allow.

(4) The following persons are each accountable for tax chargeable under this section in respect of a car, that is to say—

- (a) the person who is the owner of the car when the tax becomes due ; and
- (b) any person who converts another vehicle into the car under a contract to the order of the owner ;

but any person accountable as having converted another vehicle into the car shall be entitled to recover any tax paid by him from the person accountable as the owner :

Provided that if, when the tax becomes due, some person other than the owner is entitled to possession of the car under a hire-purchase agreement, this subsection shall apply as if references to that person were substituted for references to the owner.

(5) There shall be set off against the tax chargeable under this section in respect of a car the amount of any tax which is shown to have been paid in respect of the chassis of the car and which has not been repaid or become repayable.

(6) Where tax is chargeable in respect of the same operation both under this section and under section 14 of this Act, payment of the tax chargeable under either shall satisfy the charge under both.

(7) An order under section 2 of this Act which amends Part I of Schedule 1 to this Act in relation to road vehicles may, in connection therewith, amend subsection (1), subsection (5) or subsection (6) of this section, and for the purposes of this section may contain savings and other transitional provisions consequential on any such amendments of the said Part I or of those subsections.

17.—(1) The provisions of Part II of Schedule 1 to this Act shall have effect for the purposes of any exemption of goods comprised in Group 33 in Part I of that Schedule (or any Group substituted for that Group by an order made under section 2 of this Act) which is conferred by reference to the said Part II. Drugs and medicines.

(2) An order under section 2 of this Act relating to drugs or medicines may—

- (a) define any class of drugs or medicines by reference (either inclusive or exclusive) to any kind of get-up of the goods ;
- (b) amend Part II of the said Schedule 1.

In this subsection, the reference to get-up includes a reference to marking, labelling, packing or any other treatment adopted for identifying goods or presenting goods to the user or consumer.

(3) Any drug or medicine comprised in Group 33 in Part I of the said Schedule 1 (or any Group substituted for that Group by an order made under section 2 of this Act) shall be exempt from all charge to tax, if so directed by the Commissioners ; but the Commissioners shall not give such a direction except on the recommendation of the Minister of Health or of the Minister of Agriculture, Fisheries and Food.

(4) Any direction under subsection (3) of this section shall cease to have effect, if not previously revoked, on the expiration of fifteen months from the giving of the direction or on the coming into force of an order under the said section 2 with respect to the exemption from tax of drugs and medicines comprised as aforesaid, not being an order made before or within six weeks after the giving of the direction.

Reliefs from tax

Relief for
exported
goods.

18.—(1) Where goods bought under a chargeable purchase, goods appropriated or applied as mentioned in section 10 of this Act, or goods resulting from the application of a chargeable process, are shown to the satisfaction of the Commissioners to have been exported from the United Kingdom by the seller under the purchase, or by a person by whom the goods were so appropriated or applied, or by the person who, apart from this subsection, would be accountable for the tax chargeable under section 14 of this Act by reason of the application of the process, as the case may be, the tax which apart from this provision would be chargeable in respect of the goods shall not be chargeable.

(2) The Treasury may by order made by statutory instrument give such directions as they think proper for the payment, on the exportation from the United Kingdom of goods of any class specified in the order, of an allowance for tax paid or payable in respect of the goods exported or of goods of any class specified in the order used in making the goods exported, where it is shown to the satisfaction of the Commissioners—

- (a) that tax has become chargeable, by virtue of a purchase or of an importation, in respect of the goods exported

or of goods of the specified class used by the exporter in making the goods exported, and has been or will be paid ;

- (b) that the exporter was the buyer under the purchase by virtue of which tax has become chargeable, or the importer on the importation by virtue of which it has become chargeable, as the case may be ; and
- (c) that the exported goods have not been used.

(3) The amount of an allowance to be paid under subsection (2) of this section shall be either (as may be provided by the order)—

- (a) the amount of the tax referred to in paragraph (a) of that subsection ; or
- (b) an amount calculated in accordance with provisions in that behalf of the order, which provisions shall be such as will in the opinion of the Treasury secure that the aggregate of the amounts of allowances paid in respect of goods of any class shall not exceed the aggregate of the amounts chargeable by way of tax in respect of goods of that class.

(4) In this section references to the exportation of goods from the United Kingdom include references to the shipment of goods as ships' stores.

19.—(1) If a wholesale merchant or a manufacturer proves to the satisfaction of the Commissioners, in the case of any goods in respect of which tax has become chargeable by virtue of a purchase made from him or by virtue of such an appropriation or application as is mentioned in section 10 of this Act, made by him, that tax also became chargeable in respect of those goods on a previous occasion—

Relief against double charge of tax.

(a) by virtue of a purchase of them or of such an appropriation or application of them, made by him, or

(b) by virtue of an importation of them effected by him, at a time when he was not the holder of a certificate of registration, the Commissioners may remit payment of the first-mentioned tax, or if it has been paid may repay it, up to an amount not exceeding the amount of the last-mentioned tax.

(2) If a manufacturer proves to the satisfaction of the Commissioners that he has used as materials for goods in respect of which tax has become chargeable by virtue of a purchase made from him or by virtue of such an appropriation or application as is mentioned in section 10 of this Act, made by him, goods in respect of which tax became chargeable on a previous occasion—

(a) by virtue of a purchase of them or of such an appropriation or application of them, made by him, or

(b) by virtue of an importation of them effected by him, at a time when he was not the holder of a certificate of registration, the Commissioners may remit payment of the first-mentioned tax, or if it has been paid may repay it, up to an amount not exceeding the amount of the last-mentioned tax.

(3) In the foregoing provisions of this section the references to cases where a person was not the holder of a certificate of registration include references to cases where, in pursuance of a requirement imposed on him under section 6 (4) of this Act, a person refrained from making a representation to obtain goods without payment of tax.

Relief for goods applied to charitable and other purposes.

20.—(1) The Commissioners may, subject to such conditions as they may impose for the protection of the revenue, remit the tax chargeable under section 10 of this Act, on the appropriation or application of any goods by a wholesale merchant or manufacturer, if they are satisfied—

(a) that the goods were appropriated or applied by way of a gift to a body of persons or trust established for charitable purposes ; and

(b) that the goods were so appropriated or applied for the purpose of relieving distress and will be kept or distributed, or have been distributed, by the body or trust for that purpose.

(2) The Commissioners may, subject to such conditions as aforesaid, remit the tax chargeable in respect of a wireless receiving set, by virtue either of a purchase of the set or of such an appropriation or application of it as is mentioned in section 10 of this Act, if they are satisfied, by a certificate to that effect given to them on behalf of a charity registered in accordance with section 41 of the National Assistance Act 1948 or any corresponding enactment of the Parliament of Northern Ireland, that the purchase, appropriation or application was made for the purpose of making the set available for the use of the blind, to the exclusion of use otherwise, and that the property in it will be retained by the charity for that purpose.

(3) Subject to such conditions as aforesaid, the Commissioners may, upon an application made to them in that behalf, remit the tax chargeable in respect of an article of furniture, plate or textile material or an ornament, if they are satisfied that the purchase, importation or other act by virtue of which the tax is chargeable was made or done for the purpose of placing the article or ornament in a place of religious worship as a war memorial and that it will be retained therein.

(4) Subject to such conditions as aforesaid, the Commissioners, upon an application in writing made to them in that behalf, may

if they think fit remit the tax chargeable in respect of any article if they are satisfied that the purchase, importation or other act by virtue of which the tax is chargeable was made or done for the purpose of enabling the article to be used as an exhibit or specimen in a gallery, museum or similar institution, being an institution approved by the Treasury for the purposes of this subsection, and that the article is not intended for subsequent sale.

21.—(1) If an importer into the United Kingdom of any goods to which this section applies makes application to be relieved of tax payable on the importation of the goods, the Treasury, if in all the circumstances of the case, and having regard to the fact that tax is payable on the like goods on chargeable transactions in the United Kingdom, they think fit to do so, may direct that tax shall not be payable on the importation of the goods or, if it has been paid thereon, shall be repaid. Relief for certain imported goods.

(2) Any application under subsection (1) of this section must be in writing and must, except in a case where the Commissioners otherwise allow, be made before the goods have been released from customs control.

(3) In giving a direction under this section the Treasury may impose conditions (including conditions prohibiting or restricting the disposal of or dealing with the goods), and if any condition subject to which such a direction is given is not observed the importer shall become liable to pay the tax of which he was relieved by the direction; and the Commissioners may, if they see fit, require the importer to give security by bond or otherwise for the observance of the conditions and the payment of any tax becoming due by reason of any breach of the conditions or in accordance with the terms of any consent given under the conditions to a disposal of or dealing with the goods.

(4) This section applies—

- (a) to any goods as to which it appears to the Treasury that relief from tax on the importation thereof is necessary or expedient with a view to conforming with an international agreement relating to matters other than commercial relations;
- (b) to articles intended, and reasonably required, for the purpose of subjecting the articles, or any material or component in the articles, to examination or tests with a view to promoting or improving the manufacture in the United Kingdom of goods similar to those articles or to that material or component, as the case may be, or for the purpose of subjecting goods capable of use with those or similar articles (including goods which might be used as materials or components in such

articles or in which such articles might be used as materials or components) to examination or tests with a view to promoting or improving the manufacture in the United Kingdom of those or similar goods ;

- (c) to articles intended to be used in scientific research, or for a purpose connected with the advancement of any branch of learning or art or with the promotion of any sport, and not intended to be sold, or to be used for any purpose which is substantially a commercial purpose ;
- (d) to any goods as to which the Treasury are satisfied that it is intended to re-export them or goods incorporating them or manufactured or produced from them, that there are special reasons why, with a view to promoting the interests of the export trade or similar interests, purchase tax should not be charged on their importation and that it is in the national interest that it should not be.

Relief for re-imported goods.

22. Tax shall not be chargeable by virtue of an importation into the United Kingdom of chargeable goods in any case where it is shown to the satisfaction of the Commissioners that the goods had been previously exported from the United Kingdom and are in substantially the same state as they were in at the time of their exportation, and—

(a) that before their exportation the goods—

(i) had been the subject of a chargeable purchase, or

(ii) had been the subject of such an appropriation or application as is mentioned in section 10 of this Act, or

(iii) had been the subject of an importation by virtue of which tax became chargeable under section 11 of this Act (not being an importation effected before 13th July 1944), or

(iv) had resulted from the application of a chargeable process in such circumstances that tax became chargeable in respect of them under section 14 of this Act ; and

(b) that any tax which was chargeable in respect of the goods—

(i) by virtue of their being the subject of that purchase, appropriation or application or importation, or

(ii) by virtue of their resulting from the application of that process,

and which has become payable, has been duly paid ; and

- (c) that section 18 (1) of this Act did not have effect in relation to the exportation, and that no right to the payment of an allowance for any tax payable arose on the exportation ; and
- (d) in the case of goods in respect of which tax was chargeable under the said section 11, that the goods whilst in the United Kingdom before their exportation were not there in any such circumstances as to render that tax not payable.

23.—(1) Where it is shown to the satisfaction of the Commissioners that a person who acquires a mechanically propelled vehicle from the manufacturer of that vehicle (the manufacturer being a person who is registered) is only temporarily in the United Kingdom and is or is about to be resident outside the United Kingdom, the Commissioners may, subject to such conditions as they may think necessary for the protection of the revenue, remit any tax which would otherwise be payable in respect of the vehicle by the manufacturer. Remission of tax on exported vehicles.

(2) If the manufacturer does not, within such period as the Commissioners may direct, show to their satisfaction that he has exported the vehicle, or if any of the conditions imposed by the Commissioners (including conditions as to the manner of exportation) are not complied with, the tax which, apart from the provisions of this section, would have been payable shall be deemed to have become payable and shall be recoverable as a debt due to Her Majesty.

Collection and enforcement

24.—(1) The seller of chargeable goods under a chargeable purchase made in the United Kingdom shall add to any invoice or similar document delivered by him to the buyer a statement indicating the amount due from the buyer to the seller by reference to tax for which the seller may be accountable in respect of the purchase. Invoices, accounts, information etc.

(2) Where, in pursuance of a contract made in the United Kingdom, a party to the contract applies a chargeable process to the order of another party thereto, he shall add to any invoice or similar document delivered by him to the said other party a statement indicating the amount due from that other party to him by reference to tax for which he may be accountable under section 14 of this Act in respect of the application of the process.

(3) Every person who is required by this Act to be registered shall keep such records and accounts in such form, and shall preserve them for such period, as the Commissioners may require,

and shall produce them for inspection by any officer or other person authorised in that behalf by the Commissioners at such time and at such place as that officer or person may require.

(4) A registered wholesale merchant or manufacturer who carries on any business of selling chargeable goods by retail, or of letting out chargeable goods on hire, shall keep such records as the Commissioners may require him to keep and in such form as they may require.

(5) Every person accepting an order from any other person to apply a chargeable process shall, if required to do so by the proper officer of Customs and Excise, give notice thereof in writing to that officer in a form approved by the Commissioners and, on the completion of the process, produce the goods resulting therefrom to an officer of Customs and Excise or other person authorised in that behalf by the Commissioners at such place and at such time as that officer or person may require, and shall give to that officer or person such information with respect to the goods as he may require.

(6) Every person concerned with the purchase or importation of goods, or with the application to goods of any process of manufacture, or with dealings with imported goods, shall furnish to the Commissioners, within such time and in such form as they may require, such information relating to the goods, or to the purchase or importation of them, or to the application of any process of manufacture to them, or to dealings with them, as they may specify, and shall, upon demand made by any officer or other person authorised in that behalf by the Commissioners, produce any books or accounts or other documents of whatever nature relating thereto for inspection by that officer or person at such time and place as that officer or person may require.

Application
of customs ^s
enactments to
imported
chargeable ^v
goods.

25.—(1) Subject to the provisions of this section, the Customs and Excise Act 1952 and, except where the contrary intention appears, any other enactments (including provisions of regulations or other instruments having statutory effect) relating to customs generally, whether passed or made before or after the commencement of this Act, shall have effect, with such exceptions and adaptations as may be prescribed, in relation to chargeable goods imported into the United Kingdom, whether liable to any duty of customs or not, as if all such goods were liable to duties of customs and as if those duties included tax chargeable under section 11 of this Act.

(2) The following provisions of the Customs and Excise Act 1952 that is to say—

- (a) sections 34 (4), 35 and 36 (re-importation);
- (b) section 37 (importation of goods from the Channel Islands);

(c) section 259 (charge of duty on manufactured or composite articles); and

(d) section 272 (supply of goods without payment of duty to Her Majesty's ships),

shall be excepted from the enactments which are to have effect as mentioned in subsection (1) of this section.

(3) Section 3 (1) of this Act shall have effect in relation to tax chargeable under section 11 of this Act to the exclusion of section 258 of the Customs and Excise Act 1952; and subsections (1) to (3) of section 36 of this Act shall have effect in relation to tax chargeable under the said section 11 to the exclusion, so far as regards any question as to the wholesale value of goods and the deposit of tax pending a reference to arbitration, of section 260 of that Act.

(4) Section 46 of the Customs and Excise Act 1952 (which relates to the prevention of smuggling in Northern Ireland) shall have effect, in its application by virtue of subsection (1) of this section, as if references to the importation of goods were references to the importation of them in circumstances such that tax is chargeable on them under section 11 of this Act.

(5) Regulations made or having effect as if made under section 16 of the Post Office Act 1953 (which provides for the application of customs enactments to postal packets) may make special provision in relation to chargeable goods and to tax chargeable under section 11 of this Act.

26.—(1) Tax becoming due otherwise than by virtue of section 11 of this Act shall be accounted for and paid in accordance with regulations made under this Act. Payment and recovery of tax chargeable.

(2) Tax chargeable otherwise than by virtue of section 11 of this Act shall be recoverable as a debt due to Her Majesty from the person accountable therefor.

(3) Where the aggregate amount of tax payable by a person accountable therefor at the time of the commencement of proceedings for the recovery thereof is less than fifty pounds, that tax may, without prejudice to any other mode of recovery thereof, be recovered by the Commissioners from that person summarily as a civil debt.

27.—(1) Where an amount is due from any person on account of tax, but by reason of his failure to keep or to produce or furnish to the proper officer the accounts, records or other documents required by or under this Act, or to take or permit to be taken any other step which he is so required to take or permit to be taken, or by reason of the accounts, records or Recovery of tax on basis of Commissioners' estimate.

other documents kept, produced or furnished being materially incomplete or inaccurate, the Commissioners are unable to ascertain the amount of tax properly due from him, the Commissioners may estimate the amount of tax due.

(2) Where an estimate of the amount of tax due from any person has been made under subsection (1) of this section, then (without prejudice to the recovery of the full amount due or to the making of a further estimate in that behalf) the amount estimated shall be recoverable as tax properly due unless in any action relating thereto the person liable proves the amount properly due, and that amount is less than the amount estimated.

Provisions
for securing
enforcement of
s. 16.

28.—(1) It shall be the duty of any person who converts another vehicle into a car to inform the Commissioners of that fact forthwith, unless he is a registered person and does so in the course of a business which ordinarily includes the manufacture of cars.

(2) It shall be the duty of any person who converts another vehicle into a car, or who is or has been the owner of a car, or in whose name a car is or has been registered, or who is or has been entitled to possession of a car under a hire-purchase agreement, or who has possession of a car, to give to the Commissioners such information (being information which he has or can reasonably be expected to obtain) as they or any officer of Customs and Excise, or other person authorised in that behalf, may require for the purpose of determining whether any, and if so what, tax has become chargeable or is demandable under section 16 of this Act in respect of the car, and (in the case of any person who has or is entitled to possession of the car) to produce it at such place and time as may be so required.

(3) The power to make regulations under the Vehicles (Excise) Act 1962 as to the declaration to be made and particulars to be furnished by a person applying for a licence under that Act shall include power to require the declaration and particulars to extend to any matters relevant for the enforcement of section 16 of this Act and the foregoing provisions of this section; and a council shall accordingly not be required to issue a licence under that Act where the applicant fails to comply with provisions included in the regulations by virtue of this subsection.

(4) In this section "registered", in relation to a vehicle, means registered under the Vehicles (Excise) Act 1962; and references to that Act and to a council include respectively any corresponding enactment for the time being in force in Northern Ireland and a licensing authority under any such enactment.

29. Where a person who is accountable for any tax, or on whom any duties are imposed by this Act or regulations made thereunder, is not resident in the United Kingdom, the Commissioners may by notice in writing served on any agent, manager or factor, who is resident in the United Kingdom and has acted on behalf of that person in the matters by reference to which that person is accountable or those duties are imposed, direct that he shall be substituted for that person as the person accountable for the tax, or that he shall be under an obligation to discharge those duties or any of them.

Substitution of agent etc. for person not resident in the United Kingdom.

30.—(1) There shall be included among the debts which, under section 33 of the Bankruptcy Act 1914 are to be paid in priority to all other debts in the distribution of the property of a bankrupt or person dying insolvent, the amount of any tax due from the bankrupt at the date of the receiving order, or from the person so dying at the date of his death, and having become due within twelve months next before that date.

Priority of tax in bankruptcy.

(2) There shall be included among the debts which under section 118 of the Bankruptcy (Scotland) Act 1913 are to be paid in priority to all other debts in the division of a bankrupt's estate, the amount of any tax due from the bankrupt at the date mentioned in subsection (4) of that section, and having become due within twelve months next before that date.

(3) There shall be included among the debts which, under section 1 of the Preferential Payments in Bankruptcy Act (Northern Ireland) 1933 are to be paid in priority to all other debts in the distribution of the property of a bankrupt, arranging debtor or person dying insolvent, the amount of any tax due—

- (a) from the bankrupt, at the date of the order of adjudication ; or
- (b) from the arranging debtor, at the date of the filing of the petition for arrangement ; or
- (c) from the person so dying, at the date of his death ;

and having become due within twelve months next before that date.

(4) For the purposes of section 16 (2) of the Northern Ireland Act 1962, subsection (3) of this section shall be deemed to be a provision of an Act passed before that Act.

31.—(1) The Commissioners may make regulations providing for any matter for which provision appears to them to be necessary for the purpose of giving effect to the provisions of this Act and of enabling them to discharge their functions thereunder, and in particular, but without prejudice to the generality of the preceding words—

Commissioners' regulations.

- (a) for ascertaining all chargeable purchases, all such appropriations and applications as are mentioned in

section 10 of this Act, and all chargeable processes by virtue of which tax is chargeable under section 14 of this Act, and the amounts of tax chargeable by virtue thereof, and for requiring security for the payment of tax ;

- (b) for imposing upon persons who appear to the Commissioners to be carrying on a business which consists of or includes that of a wholesale merchant or manufacturer, or the making of such purchases as are mentioned in section 7 of this Act or the application of chargeable processes, the duty to furnish to the Commissioners within such period as may be prescribed information in the prescribed form of any facts relevant for determining whether such persons ought to be registered or the matters in respect of which they ought to be registered or of any other facts relating to the business ;
- (c) for imposing upon registered persons, and upon such other persons as may be prescribed in relation to registered persons who have died or become subject to any incapacity, the duty to furnish to the Commissioners within such period as may be prescribed information in the prescribed form of any facts by virtue of which their registrations ought to be varied or cancelled ;
- (d) for enabling persons to be treated as registered persons during a limited period by way of representation of registered persons who have died or become subject to any incapacity ;
- (e) as to the form, issue, continuance in effect, variation, custody, use and surrender of certificates of registration ;
- (f) for requiring registered persons to keep accounts and to make returns of purchases made from or by them, and of any appropriations or applications such as are mentioned in section 10 of this Act made by them, and of the amounts of tax for which they are accountable, in respect of such periods, in such form and containing particulars with respect to such matters, as may be prescribed, and to pay the amounts of tax appearing by the returns to be due from them at such times as may be prescribed ;
- (g) for authorising distress to be levied on the goods and chattels of a person neglecting or refusing to pay, in accordance with regulations made under paragraph (f) of this subsection, tax which he is thereby required to pay, and for applying and adapting, with or without

modification, to the levying of distress under regulations made under this paragraph any of the provisions of section 74 (2) to (5) of the Income Tax Act 1952 ;

- (h) for applying and adapting, with or without modification, to the tax and to repayments and allowances, and to registered persons, any enactment relating to any duty or drawback of excise or customs or to persons carrying on any trade subject to the law of excise ;
- (i) for prescribing anything which by this Act is required or authorised to be prescribed.

(2) Without prejudice to the generality of subsection (1) of this section, regulations may be made by the Commissioners for requiring invoices or similar documents to be given, in such cases as may be prescribed, in connection with sales of purchase tax goods, in connection with sales of other goods in the course of a business which includes the selling of purchase tax goods and in connection with contracts for the application by one person to the order of another of a process of manufacture resulting in purchase tax goods, not being goods which at the time of the completion of the process are the property of the person applying the process.

(3) Regulations made for the purposes of subsection (2) of this section may include provision—

- (a) for prescribing the form of any document to be given under the regulations and the particulars to be stated in it, and for requiring it to be given within such time as may be fixed by or under the regulations ;
- (b) for imposing on a person to whom any document is required to be given in connection with a transaction entered into in the course of his business an obligation to ask for it in the event of any failure to give it, and if the failure continues to report that fact to the prescribed person ;
- (c) for requiring a person to whom any document is given as aforesaid in accordance with the regulations to keep it for the prescribed time, and for requiring a person giving any document as aforesaid in accordance with the regulations to keep a copy of it for the prescribed time ;
- (d) for any incidental or supplementary matters.

(4) The power of the Commissioners to make regulations under this section shall be exercisable by statutory instrument ; and any statutory instrument under this section shall be subject to annulment in pursuance of a resolution of the Commons House of Parliament.

(5) For the purposes of subsection (2) of this section the question whether any goods are purchase tax goods shall be determined—

- (a) in relation to the giving of an invoice or similar document in connection with a sale of those goods, as at the time when they are delivered in pursuance of the sale ;
 - (b) in relation to the giving of an invoice or similar document in connection with a contract for the application of a process of manufacture resulting in those goods, as at the time when the process is completed.
- (6) In the application of this section to Scotland—
- (a) for the reference in paragraph (g) of subsection (1) to the levying of distress on goods and chattels there shall be substituted a reference to execution by the poinding of goods and effects ; and
 - (b) for the reference in that paragraph to section 74 (2) to (5) of the Income Tax Act 1952 there shall be substituted a reference to section 76 of that Act.

Power to take samples.

32.—(1) An officer of Customs and Excise, if it appears to him necessary for the protection of the revenue against mistake or fraud, may at any time take, from the goods in the possession of any person in the course of a business which includes the manufacture or sale of purchase tax goods, such samples as the officer may require with a view to determining how the goods or the materials of which they are made ought to be or to have been treated for purposes of purchase tax.

(2) Any sample taken under this section shall be disposed of and accounted for in such manner as the Commissioners may direct.

(3) Where a sample is taken under this section from the goods in any person's possession and is not returned to him within a reasonable time and in good condition, the Commissioners shall pay him by way of compensation a sum equal to the cost of the article to him or such larger sum as they may determine.

(4) The expenses of the Commissioners under subsection (3) of this section shall be defrayed out of moneys provided by Parliament.

Offences.

33.—(1) If any person is knowingly concerned in, or in the taking of steps with a view to, the fraudulent evasion, by him or any other person, of tax in respect of any goods, he shall be liable to a penalty of five hundred pounds or three times the amount of the tax, whichever is the greater or to imprisonment for a term not exceeding two years, or to both such a penalty and such imprisonment.

(2) If any person—

- (a) with intent to deceive, for the purposes of this Act or of regulations made thereunder, produces, furnishes, sends or otherwise makes use of any book, account, estimate, return or other document which is false in a material particular ; or**
- (b) in furnishing any information for the purposes of this Act or of regulations made thereunder, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular ; or**
- (c) with intent to deceive, counterfeits, or uses, or lends to, or allows to be used by, any other person, a certificate of registration issued under this Act, or makes or has in his possession any document so closely resembling such a certificate as to be calculated to deceive ; or**
- (d) for the purposes of subsection (1), subsection (2) or subsection (3) of section 13 of this Act makes a false representation as to his intention to sell goods or to use them as materials,**

he shall be liable to a penalty of five hundred pounds or to imprisonment for a term not exceeding two years, or to both.

(3) Notwithstanding anything in the Vehicles (Excise) Act 1962 or any corresponding enactment for the time being in force in Northern Ireland, subsection (2) of this section shall have effect in relation to any provisions included in regulations made under that Act or enactment by virtue of section 28 (3) of this Act as if those provisions were contained in regulations made under this Act.

(4) If any person acquires possession of or deals with any goods, having reason to believe that tax chargeable in respect of them has been or will be evaded, he shall be liable to a penalty of five hundred pounds or three times the amount of the tax, whichever is the greater.

(5) If any person fails to comply with—

- (a) any of the requirements of subsection (1) or subsection (3) of section 5 of this Act ; or**
- (b) any requirement imposed by or under subsection (3), subsection (5) or subsection (6) of section 24 of this Act ; or**
- (c) any requirement imposed by or under regulations made under section 31 of this Act,**

he shall be liable to a penalty of one hundred pounds, together, in the case of a failure to comply with a requirement so imposed that any act shall be done at a specified time, or within a specified period, or forthwith in specified conditions, with a further penalty of ten pounds for each day after that time, or

after the end of that period, or otherwise after the proper time for complying with the requirement, during which failure to do the act in question continues.

(6) If any person who converts another vehicle into a car fails to comply with the requirements of section 28 (1) of this Act he shall be liable to a penalty of one hundred pounds or three times the tax chargeable, whichever is the greater.

In this subsection "the tax chargeable" means the amount of the tax chargeable under section 16 of this Act by reason of the conversion of another vehicle into the car, after deducting from that tax any amount to be set off against it under subsection (5) of the said section 16.

(7) If any person fails to comply with any requirement imposed by or under section 28 (2) of this Act he shall be liable to a penalty of one hundred pounds.

(8) If any person—

(a) fails to comply with any requirement imposed by or under section 24 (4) of this Act ; or

(b) contravenes any requirement imposed by or under regulations made under section 31 of this Act, the contravention being one in respect of which no other penalty is specified in this section,

he shall be liable to a penalty of fifty pounds.

Supplementary provisions as to enforcement and notices.

34.—(1) Subject to the provisions of subsection (4) of this section, any enactment which has effect in relation to penalties imposed by or incurred under—

(a) the Customs and Excise Act 1952 ; or

(b) any enactment relating to the revenue of excise which was passed before 22nd August 1940,

shall have effect in relation to a penalty imposed by this Act as if it had been imposed by the said Act of 1952 or such an enactment as is mentioned in (b) above.

(2) Sections 290 (2) and 301 (2) of the Customs and Excise Act 1952 (which relate respectively to the burden of proof in certain proceedings relating to customs or excise and to the recovery of duty unpaid by reason of an untrue declaration or document), as applied by subsection (1) of this section, shall have effect as if purchase tax were a duty of excise.

(3) Section 33 of the Finance Act 1953 (by which it is declared that any act or omission in respect of which a pecuniary penalty is imposed by the customs or excise Acts is an offence under those Acts) shall apply to this Act as it applies to the customs or excise Acts ; and references in that section to the Customs and Excise Act 1952 include references to the said Act of 1952 as applied in relation to penalties under this Act by subsection (1) of this section.

(4) Notwithstanding anything in any other enactment, any proceedings for an offence under this Act or for the recovery of tax summarily as a civil debt may be commenced at any time within, and shall not be commenced later than, three years from the date of the commission of the offence or the date on which the tax became due, as the case may be.

(5) Any person authorised in writing by the Commissioners for the purpose shall have a right, on production if so required of his authority, to enter on and inspect at all reasonable times any premises which there is reasonable cause to believe to be used in connection with the carrying on of the business of a wholesale merchant or of a manufacturer, or of a business in the course of which such purchases as are mentioned in section 7 of this Act are made, and to inspect goods found thereon.

(6) A notice to be served on any person for any of the purposes of this Act or of regulations made thereunder may be served by sending it by post in a letter addressed to that person at his last or usual place of abode or place of business.

Supplemental

35.—(1) Where under this Act, or by or under any future Act, any change is made in the classes of goods which are chargeable goods, or which may be the subject of a chargeable process, or in the rate at which tax is chargeable in respect of any goods, that change shall have effect, and shall be deemed to have had effect,—

Effects on contracts etc., of changes in tax.

- (a) in relation to a purchase of goods delivered under the purchase after the time as from which the change takes effect, notwithstanding that the purchase was made before that time ;
- (b) in relation to the application of a chargeable process completed after that time, notwithstanding that the process was applied in pursuance of a contract made before that time.

(2) Section 10 (1) and (2) of the Finance Act 1901 (adjustments between buyer and seller under contracts affected by a change in customs or excise duties) shall apply as respects such changes as are mentioned in the foregoing subsection as those subsections apply to duties of customs or excise, but subject to the modification that, in relation to the application of a chargeable process under any contract not being a purchase,—

- (a) the contract shall be treated as a contract of sale ;
- (b) the goods resulting from the application of the process shall be treated as having been bought under the contract ; and
- (c) the party to whose order the process is applied and the party who applies the process to his order shall be treated respectively as the buyer and the seller.

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(3) The foregoing provisions of this section shall apply to any change made under section 15 of this Act in the amount of tax chargeable in respect of any goods as they apply to changes in the rate at which tax is chargeable in respect of any goods.

Determination of disputes as to wholesale value etc.

36.—(1) If, in ascertaining the amount of tax for which any person is accountable, any dispute arises as to the wholesale value of any goods, then, subject to the provisions of the next following subsection, the question shall be referred to the arbitration of a referee appointed by the Lord Chancellor, who shall not be an official of any government department, and the decision of the referee with respect to the matter in dispute shall be final and conclusive.

(2) The foregoing subsection shall not have effect, and tax shall be chargeable on the wholesale value of the goods as fixed by the Commissioners, unless, within the prescribed period from the time when the Commissioners' opinion as to the wholesale value of the goods has been communicated to the person accountable or within such further period as they may allow, notice requiring a reference thereunder has been served on the Commissioners, and that person has deposited with them the amount of the tax appearing on the basis of their opinion to have become due.

(3) If the amount of the tax chargeable on the basis of the wholesale value of any goods as determined on a reference under this section is less than the amount deposited with the Commissioners thereunder, the excess shall be repaid.

(4) If, in ascertaining the amount of tax for which any person is accountable, any dispute arises as to the amount which is to be taken for the purposes of Part I of Schedule 1 to this Act to be the cost of any component of a garment to the manufacturer of the garment, subsections (1) to (3) of this section shall apply with the necessary modification of any reference to the wholesale value of the goods.

(5) Subsection (1) of this section shall have effect, in any case where the person accountable for the tax has his principal place of business in Scotland or Northern Ireland, as if for the reference to the Lord Chancellor there were substituted a reference to the Lord President of the Court of Session or to the Lord Chief Justice of Northern Ireland, as the case may be.

Reservation of the tax in Northern Ireland.

37. The Government of Ireland Act 1920 shall have effect as if purchase tax were one of the taxes mentioned in section 22 (1) of that Act (which relates to reserved taxes).

Isle of Man.

38.—(1) At any time when an Act of Tynwald is in force making in relation to the Isle of Man provision similar to the provision made by this Act in relation to the United Kingdom,

Her Majesty may by Order in Council make provision, in relation to goods removed from the United Kingdom into the Isle of Man or from the Isle of Man into the United Kingdom, for securing that, so long as the said Act of Tynwald is in force and the classes of goods in respect of which tax is chargeable thereunder and the rates of tax so chargeable in respect of those classes of goods are the same respectively as the classes of goods in respect of which tax is chargeable under this Act and the rates of tax so chargeable in respect of those classes of goods,—

- (a) such a removal shall not be treated for the purposes either of this Act or of the said Act of Tynwald as an importation or exportation of the goods ;
- (b) a purchase which would be a chargeable purchase under this Act or under the said Act of Tynwald if—
 - (i) all persons registered under either Act were registered under a single Act extending both to the United Kingdom and to the Isle of Man, and
 - (ii) for references in this Act to the United Kingdom and for references in the said Act of Tynwald to the Isle of Man there were substituted references to the United Kingdom and the Isle of Man as a whole,
 shall be a chargeable purchase under one or other Act but not under both of them ; and
- (c) a purchase which in that case would not be a chargeable purchase shall not be a chargeable purchase under either of the said Acts ;

and may direct that this Act and the said Act of Tynwald shall have effect subject to such modifications as may be requisite for giving effect to the purposes of the Order.

(2) In subsection (1) of this section—

- (a) the references to a purchase shall be construed as including references—
 - (i) to such an appropriation or application as is mentioned in section 10 of this Act, and
 - (ii) to the application of a chargeable process ;
- (b) the references to a chargeable purchase shall be construed as including references—
 - (i) to such an appropriation or application as is mentioned in the said section 10, made in circumstances such that tax becomes chargeable under that section in respect of the goods appropriated or applied ; and
 - (ii) to the application of a chargeable process in circumstances such that tax becomes chargeable under section 14 of this Act in respect of the resulting goods.

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

Treasury orders.

39.—(1) Any order made by the Treasury under this Act may be varied or revoked by a subsequent order so made.

(2) An order of the Treasury under section 4 of this Act shall be of no effect until it is approved by a resolution of the Commons House of Parliament.

(3) Any statutory instrument containing—

(a) an order of the Treasury under section 2 or section 14 of this Act, being an order which extends the incidence or increases the rate of tax ; or

(b) an order of the Treasury under section 15 of this Act which has the effect of increasing the tax chargeable in respect of any goods or which extends the incidence of tax ; or

(c) an order of the Treasury under section 40 (6) of this Act,

shall be laid before the Commons House of Parliament after being made, and the order shall cease to have effect on the expiration of a period of twenty-eight days from the date on which it is made, unless at some time before the expiration of that period it has been approved by the Commons House of Parliament, but without prejudice to anything previously done thereunder or to the making of a new order.

In reckoning any such period of twenty-eight days as aforesaid no account shall be taken of any time during which Parliament is dissolved or prorogued or during which the Commons House is adjourned for more than four days.

(4) In any case not falling within subsection (2) or subsection (3) of this section, any statutory instrument containing an order of the Treasury under this Act shall be subject to annulment in pursuance of a resolution of the Commons House of Parliament.

Interpretation.

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

“ applying a chargeable process ” has the meaning assigned by section 14 (1) of this Act ;

“ car ” has the meaning assigned by section 16 (1) of this Act ;

“ chargeable purchase ” has the meaning assigned by section 9 (2) of this Act ;

- “ the Commissioners ” means the Commissioners of Customs and Excise ;
- “ goods ” has the same meaning as in the Sale of Goods Act 1893 ;
- “ manufacturer ” means a person who carries on in the United Kingdom a business of manufacturing goods, and includes—
- (a) a person who, in the course of or for the purposes of his business, applies a chargeable process, and
 - (b) a person who in the United Kingdom manufactures goods for use in or in connection with a business carried on by him ;
- but for the purposes of this definition the making up of drugs to a formula prescribed by reference to the needs of a particular patient shall not be regarded as the manufacture of goods ;
- “ manufacturing goods ” means making goods or applying any process in the course of making goods ;
- “ materials ” means, in relation to a manufacturer, goods to which some process is applied by him by way of business in the course of the making of goods, or which are used by him as aforesaid as parts of or accessories for the goods made ;
- “ prescribed ” means prescribed by regulations made under this Act ;
- “ process ” includes, in relation to the making of goods, the assembling of parts of the goods ;
- “ purchase ” means any contract which is a contract of sale within the meaning of the Sale of Goods Act 1893 and also a contract similar to such a contract in other respects but made for a consideration wholly or partly in money's worth and not, or not only, in money, and includes any transaction, in whatsoever form expressed, in so far as its effect is in substance the same as the effect of such a contract as aforesaid ; and references to goods being bought include, in relation to a purchase made for a consideration not, or not only, in money, and in relation to any such transaction as aforesaid, references to goods being acquired in any manner ;
- “ purchase tax goods ” means goods of any description from time to time comprised in any of the Groups listed in Part I of Schedule 1 to this Act, whether chargeable goods or not ;

“registered” means registered under this Act, “registration” has a corresponding meaning, and “holder of a certificate of registration” means the holder of a certificate of registration which is in effect for the time being;

“selling by retail” means selling goods by way of business otherwise than by wholesale, and “retail trader” means a person who sells by retail and not otherwise;

“selling by wholesale” means selling goods of any class to a person who carries on a business of selling goods of that class;

“selling goods to a manufacturer as materials” means selling goods of any class to a manufacturer who uses goods of that class as materials;

“tax” means purchase tax chargeable by virtue of this Act;

“wholesale merchant” means a person who carries on in the United Kingdom a business of selling by wholesale goods bought by him, and includes—

(a) a person who carries on in the United Kingdom a business of selling to manufacturers as materials goods bought by him; and

(b) except for the purposes of sections 4 (1), 4 (2) and 5 of this Act, a person required by section 7 of this Act to be registered.

(2) Without prejudice to the generality of any definition in this Act, any treatment of goods which affects the goods or their get-up and which results in the goods becoming chargeable goods or becoming goods in respect of which tax is chargeable at a higher rate shall be deemed for all the purposes of this Act to be the application of a process in the course of making the goods.

In this subsection the reference to get-up includes a reference to marking, labelling, packing or any other treatment adopted for identifying goods or presenting goods to the user or consumer.

(3) For the purposes of this Act, and in particular of section 4 (1) (d) thereof, the performance by a local authority of the functions of the authority and the carrying out by any other body of persons, whether incorporated or not, of the objects of that body shall be deemed to constitute a business of the authority or body.

(4) For the purposes of this Act, if at the time when a purchase is made the buyer is in possession of the goods bought thereunder, or of part of them, delivery of the goods, or of that part of them (as the case may be) under the purchase shall be deemed to have taken place on the making of the purchase.

(5) For the purposes of this Act, a person shall be deemed to make goods, or to apply a process, if the goods are made, or the process is applied, by another person to his order under any form of contract other than a purchase.

(6) If it appears to the Treasury necessary for the protection of the revenue that for any class of goods the difference should be defined for the purposes of tax between cases where the carrying out of an operation amounts to a process of manufacture and cases where it constitutes no more than the repair, maintenance or alteration of the goods to which it is applied, they may by order specify as respects any class of goods the cases in which specified kinds of operations are to be treated for those purposes as processes applied in the course of making goods.

Section 39 (3) of this Act applies to any order under this subsection.

(7) Any reference in this Act or in any enactment or order (whether passed or made before or after the passing of this Act) to a rate of tax expressed as a percentage shall, unless the context otherwise requires, be construed as a reference to a rate amounting to that percentage of the wholesale value of the goods in question.

(8) 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 subsequent enactment, including this Act.

41.—(1) The enactments described in Part I of Schedule 4 to this Act are hereby repealed to the extent specified in the third column of that Part of that Schedule, and the orders described in Part II of that Schedule are hereby revoked to the extent specified in the third column of that Part of that Schedule. Repeals, revocations, savings and transitional provisions.

(2) The saving and transitional provisions contained in Schedule 5 to this Act shall have effect.

42.—(1) This Act may be cited as the Purchase Tax Act 1963. Short title and commencement.
(2) This Act shall come into operation on 1st April 1963.

SCHEDULES

SCHEDULE 1

CHARGEABLE GOODS AND PROVISIONS RELATING THERETO

PART I

LIST OF CHARGEABLE AND EXEMPT GOODS, AND RATES OF TAX

NOTE:—The list in this Part of this Schedule is to be interpreted in accordance with the following rules.

1. Where a Group begins with a general description of the goods comprised in the Group, the goods mentioned below in the Group (including those mentioned under a heading "Exempt") comprise only goods falling within the general description.

2. Goods comprised in a heading "Exempt" are exempt from all charge to tax.

3. A heading "Not chargeable under this Group" is to be taken as excluding the goods referred to from any charge to tax under that Group (but not other Groups), and not as restricting or extending the descriptions of goods to be treated as comprised in the Group.

4. Where any goods are chargeable at more than one rate, tax is to be chargeable in respect of them at the higher or highest of those rates.

5.—(1) "Fur skin" includes any skin with fur, hair or wool attached.

(2) Any reference in Group 1 to the cost of any component of a garment to the manufacturer of the garment is to be taken as referring to the total cost to him of that component ready for assembling into the garment, or, where the Commissioners are not satisfied both that the whole of the cost of the component is actually borne by the manufacturer of the garment and as to the amount thereof, the cost which in their opinion would be incurred by the manufacturer of a similar garment who did bear the whole of the said cost.

GROUP 1

comprising Garments, headgear, footwear and gloves.

(a) Articles not comprised below in this Group ... 10%

(b) Fur garments and fur headgear, that is to say, garments and headgear made wholly or partly of fur skin (other than rabbit skin or woolled sheep or lamb skin) but excluding articles merely trimmed with such fur skin unless, in the case of a garment, the trimming represents a cost to the manufacturer of the garment greater than the cost to him of the other components or has an area greater than one-fifth of the area of the outside material. 25%

Not chargeable under this Group

SCH. 1

Helmets designed to protect the head from injury.

Exempt

- (1) Garments and footwear of a kind suitable for young children's wear, but not including fur garments as described above.
- (2) Headgear and gloves suitable only for babies' wear, but not including fur headgear as described above.
- (3) Protective boots designed for use by miners or quarrymen or moulders, and protective helmets designed for use by miners or quarrymen.
- (4) Clogs and other wooden-soled footwear, other than articles made wholly or partly of fur skin.
- (5) Surgical appliances.
- (6) Wigs.
- (7) Articles knitted or crocheted by hand without mechanical aid, including such articles embroidered by hand-needlework.

GROUP 2

comprising Haberdashery and minor articles of apparel.

- | | |
|--|-----|
| (a) Articles not comprised below in this Group ... | 10% |
| (b) Articles made wholly or partly of fur skin (other than rabbit skin or woolled sheep or lamb skin). | 25% |

Not chargeable under this Group

Tissues and fabrics, whether in the piece, shaped or partly made up.

Exempt

- (1) Sewing thread, and mending and knitting wool.
- (2) Sewing and darning needles, knitting needles, bodkins, crochet hooks, pins of base metal (except hairpins, hat-pins, and tie-pins), thimbles, finger shields for needlework and tape measures.
- (3) Paper patterns.
- (4) Articles knitted or crocheted by hand without mechanical aid, including such articles embroidered by hand-needlework.

GROUP 3

- | | |
|--|-----|
| (a) Beads, sequins and similar articles | 25% |
| (b) Cuff links and studs | 25% |
| (c) Hat-pins | 25% |
| (d) Tie-pins, tie-retainers, scarf rings, scarf holders and similar articles. | 25% |
| (e) Hairpins, hair grips, hair curlers, dress combs, hair slides and similar articles. | 25% |

SCH. 1

GROUP 4

(a) Jewellery and imitation jewellery being articles consisting wholly or partly of stones (precious, semi-precious or imitation) or of pearls (real, cultured or imitation) or of beads. 25%

(b) Articles of personal adornment and other articles of a kind worn on the person, being articles made wholly or partly of gold, silver or other precious metal (not including base metal which is coated or plated with precious metal). 25%

(c) Trophy cups, bowls and similar articles of a kind awarded as prizes. 10%

Exempt

Miniatures or reproductions of the insignia of orders, decorations and medals granted by the Sovereign or conferred by or in the gift of a foreign Sovereign State or the Head of a foreign Sovereign State, and ribbons, bars and clasps designed to wear with, or with miniatures or reproductions of, such orders, decorations and medals (including made-up ribbon bars).

GROUP 5

Paper serviettes, paper doyleys, paper table covers, paper table decorations, shelf paper and similar articles of paper. 10%

GROUP 6

Cushions, cushion pads, pillows, bolsters, overlay mattresses and mattress shapes, being articles of a kind used for domestic purposes. 10%

Exempt

Air pillows, air cushions, water beds, water pillows and water cushions, being articles of a kind used for domestic purposes.

GROUP 7

comprising Tissues and fabrics, whether in the piece, shaped or partly made up, including such tissues or fabrics which have been dyed, printed, coated or otherwise treated.

Tissues and fabrics not exceeding 12 inches in width 10%

Not chargeable under this Group

Tissues and fabrics exceeding 12 inches in width.

Exempt

(1) Fabrics of the following descriptions (not being woven-figured fabrics, pile fabrics, elastic fabrics, braids, fringes, gimps or similar

trimmings, furnishing fabrics, floor coverings, suitings or overcoatings, nor fabrics which have been shaped or partly made-up or have been bleached, printed, embroidered or otherwise decorated), namely:—

- (i) jute, felt, glass fibre or asbestos fabrics ;
- (ii) woven fabrics not containing wool which weigh not less than 12 ounces per square yard ;
- (iii) woven fabrics containing wool which weigh not less than 18 ounces per square yard ;
- (iv) woven hemp fabrics and woven hemp and jute fabrics, being fabrics which weigh not less than 6 ounces per square yard but less than 12 ounces per square yard and in which the total number of picks per linear inch together with the number of ends per linear inch does not exceed forty ;
- (v) bonded fibre fabric, being a structure consisting of a web or mass of fibres held together with a bonding substance.

(2) Knitted cotton cloth, unbleached and uncoloured, made with at least one needle omitted in every fifty needles.

(3) Woven fabrics on which the words " industrial processing ", continuously repeated from one edge of the fabric to another, are printed in indelible ink of a contrasting colour and in letters not less than half an inch high in such a way that each side of the material is defaced by a line of the printing appearing at least every six inches or, if the printing is in straight lines running diagonally across the material at an angle of about 45 degrees, every fifteen inches.

(4) Netting of cordage, rope or twine, including fishing net, but not including composite fabrics incorporating such netting and not including sports netting.

(5) Bolting cloth.

(6) Tracing cloth.

(7) Abrasive cloth.

(8) Machinery belting.

(9) Weftless tapes of a width not exceeding one inch made of materials laid side by side and held together by a bonding substance, the following:—

- (i) tapes made of cotton threads ;
- (ii) tapes made of paper yarns or of man-made fibre yarns, being tapes weighing not less than 8 ounces per square yard, not embroidered, embossed, coloured or otherwise decorated (except by the addition of a preservative agent) and having nothing printed thereon except a trade name or other words or symbols for the purpose of trade advertisement or identification.

(10) Adhesive cloth tape in widths not exceeding three inches and in lengths of not less than fifty yards.

SCH. 1

(11) Varnished or bitumenised cloth and varnished or bitumenised tape of the kinds used for the purpose of electrical insulation.

(12) Lamp wick.

(13) Lining socks and seat socks, being shaped pieces of fabric for incorporation in footwear.

(14) Fabrics of a kind suitable for and prepared or put up in special packs as surgical dressings.

(15) Rags.

GROUP 8

comprising Fur skin, dressed.

(a) Fur skin not comprised below in this Group ... 25%

(b) Rabbit skin and woolled sheep or lamb skin ... 10%

Exempt

Australasian red opossum, undyed, in strips measuring not more than 9 inches in length and not more than one inch in width.

GROUP 9

(a) (i) Floor coverings of textile material and 10%
(except for tiles, strips and blocks, and except for
rugs made of fur skin) other floor coverings.

(ii) Tiles, strips and blocks of a kind suitable for 10%
laying on or fixing to floors or sub-floors, not of metal,
and of a thickness (excluding any backing) of less than
three-eighths of an inch, or, if of cork, of less than five-
eighths of an inch.

(b) Rugs made of fur skin, whether floor rugs or
not:—

(i) rugs not comprised below in this paragraph 25%

(ii) lined floor rugs made of skin of the kind 10%
commonly known as sheep skin, but not
containing any other fur skin.

GROUP 10

(a) Wallpaper 10%

(b) Window display papers, being fancy papers 10%
coated, stained, printed, embossed, laminated or other-
wise decorated, including coated poster papers, but not
including papers in the following list.

Goods not comprised in paragraph (b)

1. Single-coloured corrugated papers.

2. Single-coloured papers not decorated by printing,
embossing or otherwise, being chromo, surface or
enamel papers, flint papers, metal-faced papers or
coated art papers.

3. Papers not produced for general sale, being papers decorated with a pattern consisting of or incorporating a trade name and designed for use as box papers or wrapping papers.

4. Papers cut to a size suitable for use as box papers or as printing paper.

GROUP 11

comprising Furniture, hardware, ironmongery, turnery, table-ware, kitchen-ware and toilet-ware, being articles of a kind used for domestic or office purposes.

- | | |
|--|-----|
| (a) Articles not comprised below in this Group ... | 10% |
| (b) Mirrors, whether framed or not | 25% |

Not chargeable under this Group

Builders' hardware, sanitary ware and other articles of kinds ordinarily installed by builders as fixtures.

Exempt

(1) Babies' high chairs, babies' cradles and stands therefor, cots and playpens.

(2) Invalid chairs, commode chairs, commode stools and over-bed tables.

(3) Sanitary pans, chambers, urinals, commode pans, and lids for any of those articles.

(4) Clothes lockers of a kind installed in cloakrooms other than domestic cloakrooms, being either metal lockers or lockers with doors and frames of metal and sides and backs of hardboard.

(5) Household brushes, brooms and mops.

(6) Hot-water bottles and stoppers therefor.

(7) Fire-guards, except those incorporating heating elements.

(8) Accessories for domestic stoves, grates, ranges and fireplaces, the following:—

(i) trivets and similar articles ;

(ii) accessories designed for use as fuel economisers, being fire-bricks or similar articles or being accessories designed so as, when placed above the fuel in an open fire, temporarily to convert the fire into an enclosed fire.

(9) Thermal insulation covers designed for domestic water systems.

(10) Thermostats.

(11) Draught excluder strip.

(12) Water filters designed to remove bacteria and other suspended impurities from drinking water by mechanical means, but not including filters also employing chemical reaction.

SCH. 1

GROUP 12

comprising Appliances and apparatus, whether mechanically operated or not, of a kind used for domestic purposes, including cooking, heating and refrigerating appliances and apparatus of a kind so used, but not including mechanical lighters.

- | | |
|---|-----|
| (a) Appliances and apparatus not comprised below in this Group. | 10% |
| (b) Appliances and apparatus designed for operation by electricity or gas. | 25% |
| (c) Oil burning space heaters, including heaters of a kind used for cooking or boiling and also for space heating. | 25% |
| (d) Sewing machines, electrically operated or not, electric motors for sewing machines, and cabinets, bases, covers, tables and stands for sewing machines. | 25% |

Not chargeable under this Group

Thermometers and barometers ; lighting appliances.

Exempt

(1) Cooking, space heating and water heating appliances (but not including oil burning space heaters other than furnaces for central heating or hot water systems, nor appliances designed for operation by electricity or gas) the following :—

- (i) stoves, grates, ranges, fireplaces and ovens ;
- (ii) boiling rings, grillers and hot-plates ;
- (iii) radiators and convectors ;
- (iv) storage water heaters, circulator water heaters for tank storage, water boilers for tank storage or central heating and instantaneous water heaters.

(2) Cooking appliances designed for operation by electricity or gas (not being appliances of a kind used for cooking and also for space heating) the following, stoves, ovens, boiling rings, grillers and hot-plates.

(3) Parts of appliances comprised in paragraphs (1) and (2) above, and parts, not electrically operated, of oil burning space heaters, but not including in either case any part or collection of parts constituting an oil burning space heater.

(4) Appliances of the following descriptions incorporating electric fans or electric pumps or both, but not otherwise electrically operated nor operated by gas :—

- (i) solid fuel burning space or water heaters ;
- (ii) oil burning furnaces for central heating or hot water systems, other oil burning water heaters and burners (not being space heaters) for such furnaces and water heaters ;
- (iii) radiators and convectors for connection to steam or hot water central heating systems.

(5) Gas burning furnaces for central heating systems, whether or not incorporating electric fans or electric pumps or both, but not otherwise electrically operated, the following :—

SCH. 1

- (i) water boilers, but not including appliances of an output less than 30,000 British thermal units per hour ;
- (ii) appliances supplied with a system of ducting and designed only for the transmission of heated air through such ducting to two or more rooms simultaneously.

(6) Electrically operated appliances for central heating systems, being appliances designed for a sustained output, when installed, not less than 30,000 British thermal units per hour (on the assumption, if the output varies with working conditions, that the appliance is working under average winter conditions), the following :—

- (i) water boilers ;
- (ii) appliances supplied with a system of ducting designed only for the transmission of heated air through such ducting to two or more rooms simultaneously.

(7) Wash boilers and wash coppers.

(8) Vaporisers (not being toilet requisites) and fumigating lamps.

GROUP 13

comprising Cutlery suitable for domestic or personal use, and spoons, forks and similar articles suitable for domestic use, including blanks of any such cutlery and of any such spoons, forks and similar articles.

Articles not comprised below in this Group ... 10%

Exempt

(1) Articles designed for use solely in the course of any trade, profession, employment or vocation and unsuitable for use for other purposes, and blanks thereof.

(2) Articles specially designed for use by persons not having the full use of their arms, and blanks thereof.

GROUP 14

(a) Fittings of a kind used for interior domestic or office lighting, the following :— 25%

- (i) table and floor standards (whether complete or not) ;
- (ii) brackets, pendants, candelabra and electroliers ;
- (iii) lanterns, shades, bowls and reflectors ;
- (iv) other illuminating glassware.

(b) Incandescent mantles 25%

(c) Electric filament lamps not exceeding 250 watts, and fluorescent lighting tubes not exceeding 80 watts. 25%

SCH. 1

Exempt

(1) Articles of a kind used for interior domestic or office lighting, the following:—

- (i) oil burning lamps and accessories therefor, other than globes, shades and reflectors ;
- (ii) glass chimneys and similar primary glasses, being chimneys and glasses designed for candle lamps.

(2) Electric filament lamps suitable only for use in cinematograph projectors or in projectors for slides or for film strips.

GROUP 15

comprising Hand lamps and hand torches.

Articles not comprised below in this Group ... 25%

Exempt

Acetylene hand lamps, and miners' safety lamps.

GROUP 16

(a) Garden furniture 10%

(b) Garden ornaments 25%

GROUP 17

comprising Clocks and watches ; movements and cases for, and accessories to, clocks and watches ; and watch chains, wristlet watch straps and similar articles.

Articles not comprised below in this Group ... 25%

Exempt

(1) Clocks designed for use as public clocks with dials not less than 2 ft. in diameter or with dials having a diagonal measurement of 2 ft. 6 ins. or more.

(2) Movements, complete with hands, designed—

- (i) for mechanical and impulse clocks with dials not less than 2 ft. in diameter or with dials having a diagonal measurement of 2 ft. 6 ins. or more ; or
- (ii) for synchronous clocks with dials not less than 2 ft. 6 ins. in diameter or with dials having a diagonal measurement of 3 ft. or more.

GROUP 18

(a) Wireless receiving sets of the domestic, portable or road vehicle types (including kits of parts, whether or not assembled and whether or not complete, of a kind used in the assembly of such sets) and valves and loudspeakers suitable for use therewith. 25%

(b) Apparatus of the domestic type designed for receiving wireless programmes re-transmitted by wire. 25%

Exempt

SCH. 1

(1) Batteries and accumulators suitable for use with wireless receiving sets of the domestic or portable type.

(2) Television picture tubes.

GROUP 19

(a) Musical instruments not comprised below in this Group, and parts thereof and accessories thereto. 25%

(b) Gramophones, radiogramophones, player pianos, musical boxes and similar instruments, and parts thereof and accessories thereto. 25%

(c) Gramophone records 25%

Exempt

(1) Keyboard musical instruments (except instruments of the types designed to be carried when played) and parts thereof and accessories thereto.

(2) Gramophones specially designed for reproduction of speech from records specially adapted for the use of the blind, gramophone records for the reproduction of speech, specially adapted for the use of the blind, and gramophone records of a kind not produced in quantity for general sale.

(3) Bells of a kind suitable for installation in a campanile or belfry, and parts thereof and accessories thereto (including playing mechanisms).

GROUP 20

comprising Toys, games, fireworks and appliances, apparatus, accessories and requisites for sports, games, amusements, gymnastics or athletics, including coin or disc operated machines and including parts of the foregoing articles and accessories thereto.

Articles not comprised below in this Group ... 25%

Not chargeable under this Group

1. Garments, footwear, road vehicles, bicycles, bicycle sidecars, bicycle and sidecar combinations and tricycles and parts of the foregoing articles and accessories thereto.

2. Parts of fireworks and accessories thereto.

Exempt

(1) Swings, slides (including water chutes), see-saws, roundabouts and giant strides, not being mechanically operated articles.

(2) Gliders large enough to carry human beings, and accessories for such gliders.

(3) Boats and other vessels large enough to carry human beings, and accessories for such boats and vessels.

GROUP 21

comprising Umbrellas, sunshades, walking sticks and canes.

Articles not comprised below in this Group ... 25%

SCH. 1

Exempt

Walking sticks and canes wholly of wood except for the ferrules.

GROUP 22

Smokers' requisites except matches and mechanical lighters. 25%

GROUP 23

comprising Trunks, bags, wallets, jewel cases, pouches, purses, suitcases, attaché cases, baskets and similar receptacles of a kind used for personal or domestic purposes (whether fitted or not).

(a) Articles not comprised below in this Group ... 25%

(b) Articles which, except for external fitments, and except for bottoms of wood or other vegetable substance, are made wholly of cane or wicker. 10%

Not chargeable under this Group

Articles of a kind used primarily, and designed for use, for the purposes of any trade, profession, employment or vocation, other than document, folio, despatch or brief cases.

Exempt

(1) Shopping baskets of cane or wicker, not being baskets fitted with lids or any other means of closing them.

(2) Shoulder satchels of a kind designed for use by schoolchildren.

GROUP 24

comprising Photographic cameras, and photographic enlargers, lenses and other parts of, and accessories to, photographic cameras and photographic enlargers ; and unexposed sensitized photographic paper, cloth, plates and film.

Articles not comprised below in this Group ... 25%

Exempt

(1) Cinematograph cameras for film of standard width and parts of, and accessories to, such cameras, and cinematograph film of standard width.

(2) Cameras and enlargers, and parts thereof and accessories thereto, being articles suitable only for industrial, scientific or military use.

(3) Photographic paper, cloth, plates and film, the following:—

(i) X-ray plates, film and paper ;

(ii) ferro-prussiate and ferro-gallic paper and cloth ;

(iii) dye-line paper, cloth and film ;

(iv) document base paper, transparent tracing paper base and tracing cloth.

GROUP 25

SCH. 1

comprising Pictures, prints, engravings, photographs, figures, busts, reliefs and similar articles of a kind produced in quantity for general sale ; and frames for pictures, frames and stands for photographs and similar frames and stands.

Articles not comprised below in this Group ... 25%

Not chargeable under this Group

1. Figures, busts and similar articles comprised in any other Group.

2. The following articles (being of a kind used for domestic purposes), namely, vessels designed for use primarily as containers for food or drink in the course of its storage, preparation or consumption, lids for use with vessels so designed, serving trays, breadboards, bowls, vases and jugs and ewers.

3. Wallpaper.

4. Maps.

Exempt

(1) Picture frames of wood, plain, gilt or coloured, with or without ornamental composition, which are made from moulding of a width not less at any point than 3 inches.

(2) Cinematograph films, film-strips and lantern slides being films, film-strips and lantern slides containing pictures for exhibition by means of a projector.

(3) The following articles, if designed specially for the display of wearing apparel or coiffures, namely, figures, busts, heads and mannequin shapes.

GROUP 26

(a) Diaries, calendars and similar articles ; and 25%
articles of any of the descriptions known as greeting cards.

(b) Stationery and office requisites, except furni- 25%
ture and machinery.

Exempt

(1) Labels, tags, gummed seals and other marking tickets.

(2) Envelopes of paper or paper-board or both, being not less than 9 inches long and 6 inches wide and bearing on the face the words " Printed matter " or " Printed paper rate " and having no adhesive means of closure.

GROUP 27

(a) Road vehicles not comprised below in this 25%
Group, being vehicles constructed or adapted solely or mainly for the carriage of passengers or having to the rear of the driver's seat roofed accommodation which is fitted with side windows or which is constructed or adapted for the fitting of side windows ;

SCH. 1	<p>(b) Bicycles, bicycle and sidecar combinations and tricycles constructed or adapted solely or mainly for the carriage of passengers, bicycle sidecars (including sidecar bodies without chassis) so constructed or adapted, and bicycle sidecar chassis ;</p> <p>(c) Motor units (assembled or unassembled) suitable for fitting to pedal cycles to equip them with a system of mechanical propulsion.</p>	<p>25%</p> <p>25%</p>
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Exempt

- (1) Ambulances, invalid carriages and perambulators.
- (2) Tramcars, trolley vehicles and other vehicles constructed to carry not less than twelve passengers.
- (3) Vehicles of not less than 3 tons unladen weight.
- (4) Prison vans and fire tenders.
- (5) Caravans.
- (6) Vehicles of a type approved by the Assistant Commissioner of Police of the Metropolis as conforming to the conditions of fitness for the time being laid down by him for the purposes of the London Cab Order 1934.
- (7) Vehicles constructed or adapted solely for motor racing, being vehicles capable of accommodating only one person and conforming to an international formula recognised by the Royal Automobile Club as regulating, for the time being, the construction of cars for motor racing.
- (8) Motor bicycles constructed or adapted solely for racing, being motor bicycles conforming to international requirements recognised by the Auto-Cycle Union as regulating, for the time being, the construction of racing motor bicycles; sidecars constructed solely for attachment to such motor bicycles and combinations of such sidecars and such motor bicycles.
- (9) Vehicles of the following descriptions in which the accommodation for carrying passengers is only incidental to the use of the vehicle for other purposes, namely:—
 - (i) bullion vans ;
 - (ii) mobile cinemas, sound film production vehicles and similar vehicles ;
 - (iii) mobile canteens, mobile clinics, mobile libraries, mobile shops, mobile show rooms and similar vehicles ;
 - (iv) mobile printing presses and other mobile workshops ;
 - (v) pantechnicons and horse boxes ;
 - (vi) hearses (but not including hearsettes) ;
 - (vii) tower wagons, road construction, road cleansing, road watering, refuse collecting and similar vehicles ;
 - (viii) breakdown vehicles fitted with a crane or other lifting device.

GROUP 28

SCH. 1

Ice-cream, ice lollies, water ices and similar frozen products, and prepared mixes and powders for making such products. 15%

GROUP 29

Fancy or ornamental articles suitable for personal or domestic use, and of a kind produced in quantity for general sale (but not including articles comprised in any other Group, textile articles of a kind used for domestic purposes or articles of a kind used as domestic soft furnishings or as domestic bedding). 25%

GROUP 30

(a) Articles designed for use in one or more of the following processes, that is to say, waving, curling, setting, dyeing, tinting, bleaching or in any way dressing or treating the hair, including preparations and substances made up for sale for use (either alone or in conjunction with, or with an admixture of, any other preparation or substance) in any such process, but not including articles comprised in Group 2. 25%

(b) Sets or outfits designed for use as hair waving or hair curling sets or outfits and consisting of two or more such articles as are comprised in paragraph (a) above, or of one or more such articles together with any other article not so comprised. 25%

(c) Hair waving and hair drying machines, and articles and appliances designed for heating the hair in the process of waving, curling or setting it. 25%

GROUP 31

Toilet requisites, except face cloths and towels 25%

Exempt

Toothbrushes ; toilet paper.

GROUP 32

(a) Perfumery 25%

(b) Toilet preparations, whether medicated or not, including cosmetics. 25%

GROUP 33

comprising Drugs and medicines, manufactured or prepared (except toilet preparations).

Goods not comprised below in this Group ... 25%

SCH. 1

Exempt

(1) Goods complying with the provisions of Part II of this Schedule.

(2) Goods specified in the Schedule to the Purchase Tax (No. 2) Order 1961 as amended by the Purchase Tax (No. 1) Order 1962.

GROUP 34

comprising Chocolates, sweets and similar confectionery (including drained, glacé or crystallised fruits); and chocolate biscuits and other confectionery having a case or coating of chocolate couverture but not including cakes in such a case or coating.

Articles not comprised below in this Group ... 15%

Exempt

(1) Chocolate couverture not prepared or put up for retail sale

(2) Drained cherries.

(3) Candied peels.

GROUP 35

(a) Manufactured beverages, including fruit juices and bottled waters, and syrups, concentrates, essences, powders, crystals or other products for the preparation of beverages, but not including beverages or products in the list set out at the end of this Group. 15%

(b) Containers of gas for the preparation of carbonated beverages. 15%

Goods not comprised in paragraph (a)

1. Beverages chargeable with any duty of customs or excise specifically charged on spirits, beer, wine or British wine, and preparations thereof.

2. Tea, maté, herbal teas and similar products, and preparation and extracts thereof.

3. Cocoa, coffee, and chicory and other roasted coffee substitutes and preparations and extracts thereof.

4. Preparations and extracts of meat, yeast, egg or milk.

PART II

CONDITIONS OF EXEMPTION OF DRUGS AND MEDICINES COMPRISED IN GROUP 33, UNDER PARA. (1) OF HEADING "EXEMPT" IN THAT GROUP

1. The goods, apart from any get-up, must consist solely of one or more substances described in—

(a) any monograph in any edition of the British Pharmacopoeia; or

(b) any monograph, or the Formulary, in any edition of the British Pharmaceutical Codex; or

- (c) the National (War) Formulary issued by Her Majesty's Stationery Office ; or
- (d) any Formulary approved by the Minister of Health for the purposes of the National Health Service ; or
- (e) any formula in any Drug Tariff determined by the Minister of Health for the purposes of the National Health Service ; or
- (f) any monograph, or the Formulary, in any edition of the British Veterinary Codex,

but may be compounded with one or more of the following things, namely, an excipient, vehicle, base or preservative.

2.—(1) The goods must be in a container and each container for the goods must have conspicuously written thereon, or have a label on which is conspicuously written, the particulars mentioned in sub-paragraph (2) of this paragraph as respects each constituent of the goods described in any such monograph or Formulary or Drug Tariff as aforesaid.

(2) The said particulars are the name set out at the head of the monograph or the relevant formula and a reference (which may be abbreviated) to the Pharmacopoeia, Codex, Formulary or Drug Tariff in which the monograph or formula appears :

Provided that any synonym or abbreviation set out at the head of the monograph or formula may be used instead of the name.

(3) Any container may also have written thereon, or have a label on which is written—

- (a) directions as to use and storage ;
- (b) quantitative particulars ;
- (c) the manufacturer's batch number ;
- (d) the price of the goods ; and
- (e) in writing not more conspicuous than that in which the particulars required under sub-paragraph (1) of this paragraph are written, any of the following matters, that is to say, the name and address of the maker, seller, supplier and distributor of the goods.

3. Anything, other than a container or label, forming part of the get-up of the goods, and the goods, apart from any get-up, may have written thereon anything required or permitted by the provisions of this Part of this Schedule (other than paragraph 5 thereof) to be written on any container or label.

4. There must not appear in the get-up of the goods or on the goods apart from any get-up—

- (a) any trade mark as defined in the Trade Marks Act 1938 ; or
- (b) any writing except such as is required or permitted by the preceding provisions of this Part of this Schedule or required by virtue of any Act (including any Act of the Parliament of Northern Ireland),

SCH. 1

and where any such trade mark of the maker, seller, supplier or distributor of the goods consists of a signature or the name of a company, individual or firm represented in a special or particular manner, any writing so required or permitted must not appear in a style of writing similar to that of that trade mark.

5.—(1) Where in the case of any goods which comply with the provisions of paragraph 1 and sub-paragraphs (1) and (2) of paragraph 2 of this Part of this Schedule—

- (a) it is shown to the satisfaction of the Commissioners by the nature of the goods or their get-up, or of both the goods and their get-up, that the goods or, as the case may be, the goods in that get-up will only be supplied to—
 - (i) an authorised seller of poisons ; or
 - (ii) a hospital, infirmary, health centre, dispensary, clinic, nursing home or other institution at which human ailments are treated ; or
 - (iii) a duly qualified medical practitioner, registered dental practitioner, or registered veterinary surgeon or practitioner ; and
- (b) it is further shown to the satisfaction of the Commissioners that the goods will be used only for the purpose of dispensing prescriptions of a duly qualified medical practitioner, registered dental practitioner, or registered veterinary surgeon or practitioner ; and
- (c) the goods or the get-up of the goods or both are clearly marked with such writing or in such other special manner as the Commissioners may require for the purposes of this paragraph,

this Part of this Schedule shall have effect as if paragraphs 2 (3), 3 and 4 thereof were omitted.

(2) In this paragraph the following expressions have the meaning hereby respectively assigned to them, that is to say—

- “ authorised seller of poisons ” means an authorised seller of poisons within the meaning of either the Pharmacy and Poisons Act 1933 or the Medicines, Pharmacy and Poisons Act (Northern Ireland) 1945 ;
- “ registered dental practitioner ” means a person registered in the dentists register kept under the Dentists Act 1957 ;
- “ registered veterinary surgeon or practitioner ” means a person registered in the Register of Veterinary Surgeons or the Supplementary Veterinary Register under the Veterinary Surgeons Acts 1881 to 1948.

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Section 3.

DETERMINATION OF WHOLESALE VALUE

1. For the purpose of computing the price which goods to be valued would fetch on such a sale as is mentioned in section 3 of this Act, the following circumstances shall be assumed.

2. It shall be assumed—

- (a) 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 ;
- (b) where the valuation is to be made in relation to an importation, that the seller has paid any duties of customs chargeable on the importation ;
- (c) that the price is to include 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 ;
- (d) that the price is the sole consideration for the sale ;
- (e) 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 goods ; and
- (f) 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.

3. Where the goods to be valued are goods made in accordance with a patented invention or are goods to which a registered design has been applied, it shall also be assumed for the purpose of computing the price aforesaid that the buyer under the sale mentioned in section 3 of this Act is not the patentee or the proprietor of the design and has not paid any sum or given any consideration by way of royalty or otherwise in respect of the patent or design and, on payment of the price, will be entitled to deal with the goods free from any restriction as regards the patent or design.

4. Where the seller under a purchase of goods to be valued in relation to the purchase, or a foreign supplier of imported goods to be valued in relation to the importation (that is to say, any person by whom those goods have been grown, produced, manufactured, selected, dealt with or offered for sale outside the United Kingdom)—

- (a) is, or is associated in business with, the proprietor or a registered user of a trade mark registered in respect of the goods to be valued ; or
- (b) could have sold them under such trade mark, or have used such a trade mark in connection with the importation, without infringing the right to the use of the trade mark given by the registration thereof,

it shall also be assumed for the purpose of computing the price aforesaid that the sale mentioned in section 3 of this Act is a sale under the said trade mark, unless it is shown to the satisfaction of the

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Commissioners that the goods to be valued have not at any time been, and security is given to the satisfaction of the Commissioners that they will not be, so sold by or on behalf of the seller under the said purchase or of the foreign supplier, as the case may be, or any person associated in business with him.

5. Where a particular form of get-up is used in the United Kingdom by any person in relation to the goods of the class to which the goods to be valued belong, and the goods to be valued are the goods of that person, it shall also be assumed for the purpose of computing the price aforesaid that the sale mentioned in section 3 of this Act is a sale of the goods got-up in that form, unless it is shown to the satisfaction of the Commissioners that the goods to be valued have not at any time been, and security is given to the satisfaction of the Commissioners that they will not be, so sold by or on behalf of the seller under the purchase in relation to which the valuation is to be made or of a foreign supplier of imported goods in relation to the importation of which the valuation is to be made, as the case may be, or any person associated in business with him.

6. For the purposes of this Schedule, two persons shall be deemed to be associated in business with one another if, whether directly or indirectly, either of them has an 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.

Section 14.

SCHEDULE 3

CHARGEABLE PROCESSES: RELEVANT CLASSES OF GOODS

1. Apparel and rugs made wholly or partly of fur skin other than of rabbit (including any skin with fur, hair, or wool attached).
2. Fur skins other than of rabbit (including any skin with fur, hair or wool attached), dressed.
3. Jewellery, imitation jewellery and other goldsmiths' and silversmiths' wares.
4. Road vehicles and cycles (whether mechanically propelled or not).
5. Stationery and office requisites consisting of, or wholly or partly made from, paper, paperboard or similar material, but excluding—
 - (a) diaries, calendars and similar articles ;
 - (b) articles of any of the descriptions known as greeting cards ; and
 - (c) stencils, address plates and similar articles.

SCHEDULE 4

Section 41.

REPEALS AND REVOCATIONS

PART I

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
3 & 4 Geo. 6. c. 48.	The Finance (No. 2) Act 1940.	Part V. Schedules 8 and 9.
4 & 5 Geo. 6. c. 30.	The Finance Act 1941.	Section 48.
5 & 6 Geo. 6. c. 21.	The Finance Act 1942.	Section 20. Section 49 (3).
6 & 7 Geo. 6. c. 28.	The Finance Act 1943.	Section 12. Section 31 (2) (c).
7 & 8 Geo. 6. c. 23.	The Finance Act 1944.	Part II. Section 49 (3). Schedule 2.
9 & 10 Geo. 6. c. 13.	The Finance (No. 2) Act 1945.	Section 2. Section 14 (1). Section 62 (2) (a).
9 & 10 Geo. 6. c. 64.	The Finance Act 1946.	Part II. Section 67 (3). Schedules 4 and 5.
10 & 11 Geo. 6. c. 35.	The Finance Act 1947.	Section 74 (3).
11 & 12 Geo. 6. c. 29.	The National Assistance Act 1948.	Section 41 (4).
11 & 12 Geo. 6. c. 49.	The Finance Act 1948.	Part II. Section 82 (3).
14 Geo. 6. c. 15.	The Finance Act 1950.	Sections 18 and 19. Section 50 (2) (c). Schedule 5.
15 & 16 Geo. 6. & 1 Eliz. 2. c. 33.	The Finance Act 1952.	Part II. Section 76 (3).
15 & 16 Geo. 6. & 1 Eliz. 2. c. 44.	The Customs and Excise Act 1952.	Section 317. Schedule 9.
1 & 2 Eliz. 2. c. 34.	The Finance Act 1953.	Section 11. Section 33 (2). Section 35 (3).
2 & 3 Eliz. 2. c. 44.	The Finance Act 1954.	Part II. Section 35 (3).
4 & 5 Eliz. 2. c. 54.	The Finance Act 1956.	Section 7. In section 44 (2), the words "except so far as it relates to purchase tax", and the words from "and so far as" to the end of the subsection.
5 & 6 Eliz. 2. c. 49.	The Finance Act 1957.	Section 42 (2) (b).

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Session and Chapter	Short Title	Extent of Repeal
6 & 7 Eliz. 2. c. 56.	The Finance Act 1958.	Part I. Section 40 (2) (a). Schedule 2.
7 & 8 Eliz. 2. c. 58.	The Finance Act 1959.	Part II. Section 37 (2) (b).
8 & 9 Eliz. 2. c. 44.	The Finance Act 1960.	Sections 75 and 76. Section 79 (3) (e).
10 & 11 Eliz. 2. c. 44.	The Finance Act 1962.	Section 6. In section 34 (2), the words " or, so far as it relates to purchase tax, with Part V of the Finance (No. 2) Act 1940 ". Schedule 8.

PART II

ORDERS REVOKED

Reference	Title	Extent of Revocation
S.R. & O. 1941/1389	The Purchase Tax (Reduction of Registration Limit) Order 1941	The whole order.
S.I. 1951/60	The Purchase Tax (No. 1) Order 1951	The whole order.
S.I. 1956/383	The Purchase Tax (Consolidation) Order 1956	The whole order.
S.I. 1956/384	The Purchase Tax Orders (Revision) Order 1956.	The whole order.
S.I. 1960/2351	The Purchase Tax (No. 5) Order 1960	The whole order.
S.I. 1961/2285	The Purchase Tax (No. 2) Order 1961	Article 2.
S.I. 1961/2499	The Purchase Tax (No. 3) Order 1961	The whole order.
S.I. 1961/2500	The Purchase Tax (No. 4) Order 1961	The whole order.
S.I. 1962/595	The Purchase Tax (No. 1) Order 1962	In Article 1, the words from " and " to the end of the Article.
S.I. 1962/716	The Purchase Tax (No. 2) Order 1962	The whole order.
S.I. 1962/1686	The Purchase Tax (No. 4) Order 1962	The whole order.
S.I. 1962/2007	The Purchase Tax (No. 5) Order 1962	The whole order.
S.I. 1962/2434	The Purchase Tax (No. 6) Order 1962	The whole order.
S.I. 1962/2841	The Purchase Tax (No. 7) Order 1962	The whole order.

SCHEDULE 5

Section 41.

SAVING AND TRANSITIONAL PROVISIONS

1. In so far as any Order in Council, order, regulation, direction, certificate or other instrument made, given or issued under or by virtue of any enactment repealed by this Act, or any other thing done under or by virtue of any such enactment, could have been

made, given, issued or done under or by virtue of a corresponding provision of this Act, it shall not be invalidated by the repeals effected by section 41 of this Act, but shall have effect as if made, given, issued or done under or by virtue of that corresponding provision:

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Provided that this paragraph shall not be construed as saving so much of any order described in Part II of Schedule 4 to this Act as is specified in the third column of the said Part II.

2. Without prejudice to paragraph 1 of this Schedule, any provision of this Act relating to anything done or required or authorised to be done under, or by reference to, that provision or any other provision of this Act shall have effect as if any reference to that provision, or that other provision, as the case may be, included a reference to the corresponding provision of the enactments repealed by this Act.

3. Nothing in this Act shall affect the enactments repealed thereby in their operation in relation to offences committed before the commencement of this Act.

4.—(1) The requirement mentioned in paragraph (b) of section 6 (4) of this Act shall not be imposed (whether under the said section 6 (4) or under section 13 (5) of this Act) on a person who was a registered person on 30th July 1954; but if before that date the Commissioners entered into any arrangement or agreement with him as to the cases in which he should make representations as being the holder of a certificate of registration, or imposed any requirement to the like effect under any practice established for the granting of certificates of registration, and the arrangement, agreement or requirement was in force at that date, the provisions of the said sections 6 (4) and 13 (5) shall apply as if that arrangement, agreement or requirement were a requirement imposed under them.

(2) In section 19 (3) of this Act, the reference to a requirement imposed under the said section 6 (4) includes a reference to a requirement imposed by the foregoing sub-paragraph.

5. Sections 16 and 28 of this Act shall not apply in cases where the process of converting another vehicle into a car was completed before 1st June 1956; but in any case where that process was begun but not completed before that date, those sections shall apply as they apply where the whole process takes place after that date.

6. An estimated sum for tax due from a person in respect of a period before 1st August 1962 may be recovered under section 27 of this Act notwithstanding any proceedings taken before that date for the recovery of that tax on an estimate made by the Commissioners of the amount due, or any order made, judgment given or other thing done after 9th April 1962 in or in relation to any such proceedings; but save as aforesaid that section shall not affect any order or judgment made or given before 1st August 1962.

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7. The repeal by this Act of section 24 of the Finance Act 1948 and subsection (8) of section 12 of the Finance Act 1948 (which are replaced by section 35 of this Act) shall not affect the operation of the said section 24, or of that section as applied to the said subsection (8), in relation to changes in the incidence of tax taking effect before the commencement of this Act.

8. Any enactment passed before the commencement of this Act referring, whether specifically or by means of a general description, to an enactment repealed by this Act shall, unless the contrary intention appears, be construed as referring to the corresponding provision of this Act, and any document made or issued (whether before or after the commencement of this Act) referring, whether specifically or by means of a general description, to an enactment repealed by this Act shall, unless the contrary intention appears, be similarly construed.

9. Nothing in this Act shall require any charge to be paid which would not have been payable if this Act had not been passed.

10. Unless the context otherwise requires, references in this Schedule to enactments repealed by this Act include references to so much of any order as is revoked by this Act, and references to repeals shall be construed accordingly.

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Table of Statutes referred to in this Act

Short Title	Session and Chapter
Sale of Goods Act 1893... ..	56 & 57 Vict. c. 71.
Finance Act 1901	1 Edw. 7. c. 7.
Bankruptcy (Scotland) Act 1913	3 & 4 Geo. 5. c. 20.
Bankruptcy Act 1914	4 & 5 Geo. 5. c. 59.
Government of Ireland Act 1920	10 & 11 Geo. 5. c. 67.
Pharmacy and Poisons Act 1933	23 & 24 Geo. 5. c. 25.
Trade Marks Act 1938	1 & 2 Geo. 6. c. 22.
National Assistance Act 1948	11 & 12 Geo. 6. c. 29.
Finance Act 1948	11 & 12 Geo. 6. c. 49.
Income Tax Act 1952	15 & 16 Geo. 6 & 1 Eliz. c. 10.
Customs and Excise Act 1952	15 & 16 Geo. 6 & 1 Eliz. c. 44.
Finance Act 1953	1 & 2 Eliz. 2. c. 34.
Post Office Act 1953	1 & 2 Eliz. 2. c. 36.
Finance Act 1954	2 & 3 Eliz. 2. c. 44.
Dentists Act 1957	5 & 6 Eliz. 2. c. 28.
Vehicles (Excise) Act 1962	10 & 11 Eliz. 2. c. 13.
Northern Ireland Act 1962	10 & 11 Eliz. 2. c. 30.

1963 CHAPTER 10

An] Act to provide for the assessment of drainage rates by reference to values determined under section 8 of the Agriculture (Miscellaneous Provisions) Act 1943, notwithstanding the repeal of that section.

[28th March 1963]

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

1.—(1) Where the annual value of any hereditament for the purposes of any drainage rate made for a period ending on 31st March 1959 was a value determined under section 8 of the Agriculture (Miscellaneous Provisions) Act 1943 (which provided for the determination of an increased value of land improved as a result of drainage operations) the following provisions of this section shall have effect as respects the assessment of any land which is or forms part of that hereditament for the purposes of any drainage rate made for any period to which this section applies in relation to the land.

Drainage rates in the case of certain land improved by drainage operations.
6 & 7 Geo. 6. c. 16.

(2) If, in the case of any such land, the value on which a drainage rate is assessed would, but for this Act, be either—

- (a) its annual value as determined, within the meaning of section 1 of the Drainage Rates Act 1958, for the purposes of Schedule A; or
- (b) one-third of that annual value;

the drainage rate shall instead be assessed on the value or, as the case may be, one-third of the value, mentioned in subsection (1) of this section, apportioned, where the land forms part only of the said hereditament, under section 29 (2) of the Land Drainage Act 1930.

6 & 7 Eliz. 2. c. 37.
20 & 21 Geo. 5. c. 44.

(3) This section applies, in relation to any land, to any period beginning—

- (a) after the end of March 1959; and
- (b) before a fresh determination of the annual value for the purposes of Schedule A of the land or of any land of which it forms part has become effective.

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

(4) For the purposes of this section a fresh determination of the annual value of any land for the purposes of Schedule A shall be taken to have become effective when an assessment in respect of the land has been signed and allowed under section 35 of the Income Tax Act 1952 as applied by Schedule 5 (determination of annual value for years of revaluation) to that Act and either—

- (a) the time for appealing against the assessment has expired without notice of appeal having been given; or
- (b) any proceedings on an appeal against the assessment (including any proceedings in consequence of such an appeal) have been finally disposed of.

(5) Nothing in this Act shall affect any assessment validly made before the passing of this Act.

Short title
and extent.

2.—(1) This Act may be cited as the Drainage Rates Act 1963.

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

1963 CHAPTER 11

Agriculture (Miscellaneous Provisions) Act 1963

ARRANGEMENT OF SECTIONS

Section

1. Increase of amounts available for improvement grants under Hill Farming Act 1946.
2. Extension of period for payments of subsidies in respect of hill sheep and cattle.
3. Increase of amounts available for grants under Part II of Agriculture Act 1957.
4. Extension of Agriculture (Fertilisers) Act 1952.
5. Registration of suppliers for purposes of Agriculture (Fertilisers) Act 1952 and penalty for false statements, etc.
6. Grants towards construction of certain buildings used by farmers' machinery syndicates.
7. Amount of grants under s. 6 and supplementary provisions as to such grants.
8. Grants to bodies promoting co-operation in agriculture and horticulture.
9. Grants for promotion of efficient marketing.
10. Winter keep grants.
11. Grassland renovation grants.
12. Supplementary provisions as to schemes under two preceding sections.
13. Seizure of carcasses, etc. liable to spread disease.
14. Protection of farm animals exposed for sale.
15. Distribution of fowl pest vaccine at subsidised prices.
16. Fees.
17. Prescribed standards for bulls and boars licensed for breeding purposes.
18. Dissolution of Agricultural Land Commission and Welsh Agricultural Land Sub-Commission.

Section

19. Restriction on operation of notices to quit agricultural holdings.
20. Extension of time limits in arbitration proceedings relating to agricultural holdings.
21. Amendment of rules as to valuation of sheep stocks in Scotland.
22. Allowances to persons displaced from agricultural land.
23. Cold and chemical storage of eggs.
24. Seed potatoes.
25. Purchases of sugar from Republic of Ireland.
26. Provisions as to schemes, and meaning of "the appropriate Minister" in relation to schemes.
27. Expenses.
28. Repeals.
29. Short title, interpretation and extent.

SCHEDULE—Enactments repealed.

An Act to make further provision as to grants and contributions for agricultural and certain horticultural purposes and otherwise to amend the law relating to agriculture, agricultural produce and agricultural land; to provide for the purchase by the Sugar Board of sugar from the Republic of Ireland; to make new provision as to the charging of certain fees; and for purposes connected with those matters.

[15th May 1963]

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

1. In section 2 (4) of the Hill Farming Act 1946 (which, as amended by the Livestock Rearing Act 1951 and the Hill Farming Act 1956, limits the aggregate of the amounts of improvement grants that may be paid under the said Act of 1946 to a maximum of twenty-five million pounds, but provides for increasing that maximum by two million pounds)—

Increase of amounts available for improvement grants under Hill Farming Act 1946.

(a) the proviso (under which the said maximum was so increased) shall be omitted; and

(b) for the words from "a maximum" to the end of the words preceding the proviso there shall be substituted the words "a maximum of thirty million pounds".

2. In section 13 of the Hill Farming Act 1946 which (as amended by the Livestock Rearing Act 1951 and the Hill Farming Act 1956) provides—

Extension of period for payments of subsidies in respect of hill sheep and cattle.

(a) for the making of subsidy payments in respect of sheep comprised in flocks on any of the relevant days defined in subsection (2) of that section; and

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(b) for the making, in respect of certain years, of subsidy payments in respect of cattle ;

for the words " the sixteen next succeeding years ", in both places where they occur, there shall be substituted the words " the twenty next succeeding years " and for the words from " in the nine next succeeding years " to the end of the section there shall be substituted the words " in the nine next succeeding years as may be so specified and such day of December in the last of those years and in the ten next succeeding years as may be so specified ".

Increase of amounts available for grants under Part II of Agriculture Act 1957.

3. In section 18 of the Agriculture Act 1957 (which limits the aggregate amount of the grants that may be made under Part II of that Act to fifty million pounds or such greater amount, not exceeding fifty-five million pounds, as may be determined by an order under that section) for the words from " fifty " to the end of the section there shall be substituted the words " ninety million pounds ".

Extension of Agriculture (Fertilisers) Act 1952.

4. A scheme under the Agriculture (Fertilisers) Act 1952 (which provides for the payment of contributions in respect of fertilisers) may be so made as to extend—

(a) to fertilisers used by growers of mushrooms otherwise than on agricultural land ; or

(b) to fertilisers applied to the crop instead of to the soil ; and the references in that Act to occupiers of agricultural land and to the use of fertilisers for adding to such land to improve the fertility of the soil shall be construed accordingly.

Registration of suppliers for purposes of Agriculture (Fertilisers) Act 1952 and penalty for false statements, etc.

5.—(1) A scheme under the Agriculture (Fertilisers) Act 1952 may require, as a condition of the payment of contributions under that Act in respect of fertilisers acquired by occupiers of agricultural land in Great Britain or growers of mushrooms in Great Britain or acquired by any association for distribution to its members in Great Britain, that, subject to any exceptions allowed by the scheme, the fertilisers are acquired from a person registered by the Minister under this section.

(2) Subject to the following provisions of this section, where any person carrying on or proposing to carry on a business of supplying fertilisers applies to the Minister for registration under this section, the Minister shall register him if his application—

(a) is in such form and manner as the Minister may direct, and

(b) is accompanied by an undertaking to give such information as may be required to verify applications for contributions in respect of fertilisers supplied by him and to produce to any person duly authorised by the Minister

books and records required for that purpose and to permit such a person to take copies of or extracts from them.

(3) The Minister may refuse or cancel the registration of a person under this section if within the twelve months immediately preceding his application for registration or, as the case may be, the notification under subsection (4) of this section of the proposed cancellation, he or any person employed by him or any person carrying on business in partnership with him has been convicted of an offence under this section or of any offence involving dishonesty in connection with a scheme under the *Agriculture (Fertilisers) Act 1952*; and may—

- (a) refuse to register any person on the ground that within the twelve months immediately preceding his application for registration his registration or that of any person with whom he carries on business in partnership has been cancelled under the preceding provisions of this subsection; and
- (b) cancel the registration of any person on the ground that since his registration he or any person employed by him or carrying on business in partnership with him has failed to comply with such an undertaking as is mentioned in subsection (2) of this section;

and where the registration of any person has been cancelled by reason of his or any other person's failure to give any information or to produce, or to permit the taking of copies or extracts from, any books or records, the Minister may refuse to register him unless the information is given, the books or records are produced, or the taking of copies or extracts is permitted, as the case may be.

(4) Before refusing to register any person or cancelling the registration of any person under this section the Minister shall give him notice in writing stating the grounds on which he proposes to do so, and shall give him an opportunity of being heard by a person appointed by the Minister for that purpose and shall consider the report of that person.

(5) Subsections (2) to (4) of this section shall have effect in relation to any application for registration under this section made before the commencement of this Act as if this Act had then been in force; and any registration before the commencement of this Act in pursuance of such an application shall be deemed to be registration under this section.

(6) If any person—

- (a) knowingly or recklessly makes any false statement for the purpose of obtaining for himself or any other

person any sum payable by way of contribution under the Agriculture (Fertilisers) Act 1952 ; or

- (b) wilfully makes a false entry in any document which is required to be produced for the purposes of that Act or of this section or, with intent to deceive, makes use of any such entry which he knows to be false ;

he shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or both, or on conviction on indictment to a fine or to imprisonment for a term not exceeding two years or both.

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

(8) For the purposes of this section a director or other officer of a body corporate shall be deemed to be a person employed by that body.

(9) In this section "the Minister", in relation to any part of Great Britain, means either that one of the Ministers who is concerned with agriculture in that part or the Ministers acting jointly.

Grants towards construction of certain buildings used by farmers' machinery syndicates.

6.—(1) The appropriate Minister may make grants towards the cost of constructing, enlarging or adapting buildings for occupation and use by farmers' machinery syndicates for the following purposes or any of them, or mainly for such purposes, that is to say—

- (a) the drying, cleaning or storage of grain produced by their members ; and
 (b) the housing of agricultural machinery belonging to the syndicates ;

and of providing such buildings with such services, means of access and other works as are reasonably required to enable them to be so used.

(2) A grant under this section shall be made in respect of such works proposed in an application therefor made in accordance with this section as may be approved by the appropriate Minister ; and any such approval may be given subject to such conditions as he may determine.

(3) Subject to subsection (4) of this section, no such approval shall be given after the end of March 1966.

(4) The Ministers may from time to time by order made by statutory instrument extend the period within which such an approval may be given, but not beyond the end of March 1968.

An order under this subsection shall be of no effect unless approved by a resolution of each House of Parliament.

(5) An application for a grant under this section may be made by or on behalf of—

(a) the farmers' machinery syndicate by which the building to which the application relates is or is to be occupied ;
or

(b) any person intending to make that building available for occupation by a farmers' machinery syndicate.

(6) In this section "farmers' machinery syndicate" means an association of persons whose members are jointly and severally liable for any debts of the association and whose object or one of whose objects is the acquisition and ownership of agricultural machinery or plant for use by its members or the provision of accommodation for the storage of grain produced by its members ; and references to the use of machinery or plant or the production of grain by members of such a syndicate include references to such use or production by a body corporate which is represented by a member of the syndicate.

(7) Where any member of a farmers' machinery syndicate represents a body corporate this section does not apply in relation to the syndicate unless the body corporate is jointly and severally liable with the other members for the debts of the syndicate.

(8) This section, in its application to Scotland, shall apply in relation to partnerships as it applies in relation to bodies corporate.

7.—(1) The amount of any grant payable under section 6 of this Act towards the cost of any works approved thereunder shall be one-third of that cost so far as approved by the appropriate Minister as having been reasonably incurred.

Amount of grants under s. 6 and supplementary provisions as to such grants.

(2) The Ministers may by regulations provide that the cost of any works of any class specified in the regulations, or of a specified part of any such works, shall, at the option of the applicant for the grant, be taken to be such amount as may be so specified ; and the amount of any grant payable towards the cost of any such works shall, if the applicant for the grant so elects in his application and the works are approved while the regulations are in force, be one-third of the amount so specified or, where the regulations make provision for the

cost of part only of any works, one-third of the sum of the amount so specified for that part and of the actual cost (so far as approved by the appropriate Minister as having been reasonably incurred) of the remainder of the works.

(3) The appropriate Minister may reduce the amount of the grant which would otherwise be payable under the foregoing provisions of this section, or withhold the grant, in any case where assistance in respect of the approved works is given under any other enactment.

(4) A grant under section 6 of this Act shall be payable on the completion of the approved works and may be paid by instalments.

(5) Regulations under this section shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(6) In this section and section 6 of this Act, "the appropriate Minister" means, in the application of the section to Scotland, the Secretary of State, and in its application to the remainder of the United Kingdom, the Minister of Agriculture, Fisheries and Food.

Grants to bodies promoting co-operation in agriculture and horticulture.

8. The Minister may, in such manner and subject to such conditions as he may determine, make grants to bodies of persons in England and Wales whose object or main object is the organisation, promotion or development of co-operation in agriculture or horticulture (including any activities carried on in connection therewith) or of co-operation in the marketing of agricultural or horticultural produce.

Grants for promotion of efficient marketing.

9.—(1) The appropriate Minister may by a scheme made with the approval of the Treasury make provision for the payment of grants towards the cost of carrying out proposals for promoting the efficient marketing of agricultural or horticultural produce, for carrying out research connected therewith, for making the result of such research available to producers of such produce, or for the formation of bodies carrying on agricultural or horticultural producers' marketing businesses.

(2) A scheme under this section shall restrict the payment of grants to cases where the proposals are approved by the appropriate Minister before being carried out and may restrict that approval, subject to any exceptions provided by the scheme, to cases where the proposals are supported by persons appearing to the appropriate Minister to represent producers of agricultural or horticultural produce.

(3) A scheme under this section may provide for the recovery of grants made thereunder in any case where it appears to the

appropriate Minister that the carrying out of an approved proposal has been unreasonably delayed or is unlikely to be completed or that any approved proposal has been badly carried out or that any condition subject to which approval was given has not been complied with.

(4) Where a scheme under this section provides for the recovery of grants made thereunder it shall make provision for securing that before any person is required to repay any grant—

- (a) he is given notice in writing stating the grounds on which it is proposed to recover the grant and is given an opportunity of being heard by a person appointed by the appropriate Minister for that purpose ; and
- (b) the appropriate Minister will consider the report of the person so appointed.

(5) Subject to the next following subsection, no approval under this section shall be given after the end of March 1965.

(6) The Ministers may from time to time by order made by statutory instrument extend the period during which such approvals may be given, but no such extension shall be for more than three years.

(7) Where a scheme under this section requires any proposals to be supported as mentioned in subsection (2) of this section the appropriate Minister may make contributions to the expenses incurred in connection with the examination of proposals submitted for that support.

(8) Grants made in pursuance of a scheme under this section, so much of the expenses of administering the scheme as may be incurred on behalf of the appropriate Minister by the persons mentioned in subsection (2) of this section, and contributions made under subsection (7) thereof, shall be treated as production grants for the purposes of section 3 of the Agriculture Act 1957.

(9) The power to make a scheme under this section shall be exercisable by statutory instrument and includes power to vary or revoke the scheme by a subsequent scheme.

(10) A statutory instrument containing such a scheme shall be subject to annulment in pursuance of a resolution of either House of Parliament ; and an order under subsection (6) of this section shall be of no effect unless it is approved by a resolution of each House of Parliament.

10.—(1) The appropriate Minister may from time to time Winter keep by a scheme made with the approval of the Treasury make grants. provision for the payment of grants, to be known as winter keep grants, in respect of livestock rearing land which, in any year falling within the period specified in the scheme (which shall not exceed three years) is used for growing such crops

for the winter feeding of livestock as may be specified in the scheme.

(2) A scheme under this section—

- (a) shall specify the rates of the grants by reference to the area of the land in respect of which the grants are made ; and
- (b) may provide for defining or limiting the kinds of land in respect of which the grants are to be made ; and
- (c) may make different provision in relation to different land or different crops.

(3) In this section “livestock rearing land” means land falling within the definition of livestock rearing land set out in subsection (3) of section 1 of the Livestock Rearing Act 1951 and any land suitable for use with such land for livestock rearing purposes as defined by that subsection.

Grassland
renovation
grants.

11.—(1) The appropriate Minister may from time to time by a scheme made with the approval of the Treasury make provision for the payment of grants, to be known as grassland renovation grants, in respect of land under grass which is renovated by means of such operations as may be specified in the scheme.

(2) A scheme under this section—

- (a) shall specify the rates of the grants by reference to the area of the land in respect of which the grants are made ; and
- (b) may provide for defining or limiting the kinds of land under grass in respect of which the grants are to be made, and shall require the land to have been continuously under grass for a minimum period specified in the scheme before the carrying out of the operations ; and
- (c) shall restrict the payment of grants to cases where the operations, before being carried out, are approved by the appropriate Minister in pursuance of applications made in such manner as he may direct ; and
- (d) shall specify the period, which shall not exceed three years, within which the applications must be made ; and
- (e) may make different provision in relation to different operations.

(3) References in this section to land under grass include references to any grazing land and, in particular, to land under clover, lucerne or sainfoin or mixtures of clover, lucerne or sainfoin with grass, but this provision shall be without prejudice to any definition or limitation contained in a scheme under this section.

12.—(1) A scheme under section 10 or section 11 of this Act may restrict the amounts of grants in any manner and make the payment of grants subject to any conditions, and may, in particular,—

Supplementary provisions as to schemes under two preceding sections.

- (a) specify a minimum area of land in respect of which grants may be made ;
- (b) provide for securing that a grant shall not be made, or shall be restricted in amount, if the appropriate Minister is of opinion that any operation relevant to the payment of the grant has been inefficiently carried out or that adequate facilities for inspection of the land have not been given ;
- (c) make provision as to the persons to whom grants are to be made ;
- (d) prohibit or restrict the payment of grants in cases in which payments out of moneys provided by Parliament under any other Act are available in respect of any operation relevant to the payment of the grants.

(2) A scheme under section 10 or section 11 of this Act may prohibit or restrict the payment of grant in respect of land in respect of which such grant as may be specified in the scheme has been made under this or any other Act within such period as may be so specified.

(3) The power to make a scheme under section 10 or section 11 of this Act shall be exercisable by statutory instrument and includes power to vary or revoke such a scheme by a subsequent scheme.

(4) No statutory instrument making, varying or revoking such a scheme shall be made unless a draft thereof has been laid before Parliament and has been approved by a resolution of each House of Parliament.

13.—(1) The Ministers may by order make such provision for the seizure of carcasses, fodder, litter, eggs or fertilisers and the destruction, burial, disposal or treatment of anything seized under the order as they may think expedient for preventing the spread of any disease to which this section applies.

Seizure of carcasses, etc. liable to spread disease.

(2) The Minister shall pay compensation—

- (a) for anything seized under such an order for the purpose of preventing the spread of foot-and-mouth disease ;
- (b) for anything seized under such an order for the purpose of preventing the spread of any other disease to which this section applies, except the carcase of any animal or bird affected with that disease.

(3) The Ministers may by order provide for the payment by the Minister of compensation for carcasses seized as aforesaid

of animals or birds affected with any disease to which this section applies other than foot-and-mouth disease or fowl pest.

In this subsection "fowl pest" means fowl pest in any of its forms, including Newcastle disease and fowl plague.

(4) The compensation payable under subsection (2) or subsection (3) of this section for anything seized shall be the value thereof at the time of the seizure.

(5) Where anything destroyed, buried or disposed of under an order made under paragraph (v) of section 11 of the Diseases of Animals Act 1950 (which relates to infected places and areas) could have been seized under an order made under subsection (1) of this section, the Minister shall pay the like compensation (if any) therefor as if it had been so seized at the time of the destruction, burial or disposal.

(6) This section applies to the diseases in the case of which powers of slaughter are exercisable under the Diseases of Animals Act 1950, that is to say,—

(a) to cattle plague, pleuro-pneumonia, foot-and-mouth disease and swine-fever, and any disease, within the meaning of section 17 of that Act, to which that section for the time being applies; and

(b) to any disease as defined in relation to poultry by or under section 84 (3) of that Act.

(7) The Ministers may make such orders as they think fit for all or any of the following purposes—

(a) for prescribing how the value of anything seized under this section is to be ascertained;

(b) for regulating applications for, and the mode of payment of, any compensation payable by virtue of this section;

(c) for prescribing and regulating the destruction, burial or disposal of anything seized under this section.

(8) This section shall be construed as one with the Diseases of Animals Act 1950; and in relation to any disease with respect to which functions under that Act in its application to Scotland are for the time being exercisable by the Secretary of State, there shall be substituted—

(a) in the application of this section to England and Wales, for references to the Ministers references to the Minister; and

(b) in its application to Scotland, for references to the Minister or to the Ministers, references to the Secretary of State.

Protection of farm animals exposed for sale.

14. In paragraph (x) of section 20 of the Diseases of Animals Act 1950 (which enables orders to be made for protecting animals from unnecessary suffering during transit) after the word "transit" there shall be inserted the words "or while exposed for sale or awaiting removal after being exposed for sale".

15.—(1) The Minister may with the consent of the Treasury make arrangements for making available, at prices designed to encourage the vaccination of poultry against fowl pest, any vaccine suitable for that purpose, but no vaccine shall be made available under those arrangements after the end of March 1965.

Distribution of fowl pest vaccine at subsidised prices.

(2) In this section “fowl pest” means fowl pest in any of its forms, including Newcastle disease and fowl plague.

16.—(1) Notwithstanding anything in section 76 of the Diseases of Animals Act 1950 (which restricts the taking of fees for business transacted under that Act) the Ministers may by order made with the approval of the Treasury prescribe fees to be paid with respect to such business transacted or to be transacted under that Act as may be specified in the order.

Fees.

(2) So long as any powers under the Tithe Acts 1836 to 1925 are exercisable, by virtue of section 30 of the Tithe Act 1936 and an Order in Council under section 11 of the Tithe Act 1951, by the Commissioners of Inland Revenue, those Commissioners may by order made with the approval of the Treasury prescribe fees to be paid with respect to such business transacted or to be transacted by them under those powers as may be specified in the order.

(3) Where an order under either of the preceding subsections provides for the payment of a fee before the transaction of the business with respect to which it is payable and the business is not transacted or not wholly transacted, the Minister to whom the fee was paid or, as the case may be, the Commissioners of Inland Revenue, may, if he or they think fit, repay the whole or part of the fee.

(4) The power to prescribe fees under the enactments specified in column 1 of the following Table (which relate to the granting of licences and permits to keep bulls and stallions and, by virtue of section 6 of the Agriculture (Miscellaneous Provisions) Act 1944, boars, and to inspection by referees) shall not be subject to the limitations as to amount respectively specified in those enactments and set out in column 2 of that Table, and the power to prescribe any such fee in relation to a licence or permit may be so exercised as to require the fee to be paid on an application therefor.

TABLE

<i>Enactment</i>	<i>Existing maximum fee</i>
The Improvement of Live Stock (Licensing of Bulls) Act 1931	
section 2 (1)	5 shillings
section 5 (1)	2 guineas
The Horse Breeding Act 1958	
section 2 (1)	1 guinea
section 3 (1)	1 guinea
section 5 (1)	5 guineas

(5) Any power conferred by this section to make an order shall be exercisable by statutory instrument and shall include power to vary or revoke any such order by a subsequent order ; and any statutory instrument containing such an order or containing rules under section 13 of the Horse Breeding Act 1958 prescribing fees shall be subject to annulment in pursuance of a resolution of the Commons House of Parliament.

(6) Where an order under this section provides for any fee to be paid on the making of an application in a case where previously a fee was payable only if the application was granted, then, as respects anything done in pursuance of an application made before the coming into operation of the order, the same fee shall be payable as before the coming into operation of the order and shall be so payable at the time at which it would then have been payable.

(7) No fee shall after the commencement of this Act be payable by virtue of section 9 (2) of the Glebe Lands Act 1888 or section 39 of the Universities and College Estates Act 1925 or, subject to subsection (8) of this section, by virtue of section 6 of the Inclosure, &c. Expenses Act 1868.

(8) Any fee payable by virtue of an enactment repealed by this Act with respect to any business with respect to which an order may be made under subsection (1) or subsection (2) of this section shall, until the coming into operation of such an order with respect to that business, be payable as if this Act had not been passed.

Prescribed standards for bulls and boars licensed for breeding purposes.

17. The powers of the Minister or, in Scotland, the Secretary of State, under section 2 (2) of the Improvement of Livestock (Licensing of Bulls) Act 1931, or under that section as applied to pigs by section 6 of the Agriculture (Miscellaneous Provisions) Act 1944, to refuse to grant a licence to keep a bull or boar for breeding purposes shall include power to refuse to grant such a licence if he is not satisfied that the bull or boar conforms to such standard of suitability for breeding purposes as may be prescribed for bulls or boars respectively under the said Act of 1931 ; and different standards may be so prescribed for different classes of bulls or boars.

Dissolution of Agricultural Land Commission and Welsh Agricultural Land Sub-Commission.

18.—(1) The Minister may by order made by statutory instrument provide for the dissolution of the Agricultural Land Commission and the Welsh Agricultural Land Sub-Commission and the transfer to the Minister of any property, rights, obligations or liabilities of the first-mentioned Commission.

(2) On the dissolution of the Commissions the enactments specified in Part I of the Schedule to this Act shall cease to have effect to the extent specified in column 3 of that Part.

19.—(1) For the purposes of paragraph (d) of section 24 (2) of the Agricultural Holdings Act 1948 (which excludes the restriction placed by subsection (1) of that section on the operation of a notice to quit an agricultural holding in certain cases where a tenant has failed to comply with a notice requiring him to remedy a breach of the terms and conditions of his tenancy)—

Restriction on operation of notices to quit agricultural holdings.

- (a) a notice requiring the tenant to remedy a breach of any term or condition must be in the prescribed form and must specify the period within which the breach is to be remedied ;
- (b) where such a notice in the prescribed form requires the doing of any work of repair, maintenance or replacement, any further notice requiring the doing of any such work and served on the tenant less than twelve months after the earlier notice shall be disregarded, unless the earlier notice was withdrawn with his agreement in writing ;
- (c) a period of less than six months shall not be treated as a reasonable period within which to do any such work ; but this subsection shall not be taken to affect the operation of the said section 24 in relation to any notice served before the coming into operation of this section or to any failure to comply with a notice so served.

(2) The Lord Chancellor may by order provide—

- (a) for the determination by arbitration under the said Act of 1948 of any question arising under such a notice as is mentioned in the said paragraph (d), being a notice requiring the doing of any work of repair, maintenance or replacement (including the question whether the notice is capable of having effect for the purposes of that paragraph) ;
- (b) for enabling the time within which anything is to be done in pursuance of such a notice as is mentioned in the said paragraph (d), being a notice requiring the remedying of any breach of the terms and conditions of the tenancy, to be extended or to be treated as having been extended ;
- (c) for enabling a tenancy, in a case where that time is extended, to be terminated either by a notice to quit served less than twelve months before the date on which it is to be terminated, or at a date other than the end of a year of the tenancy, or both by such a notice and at such a date ;
- (d) for the recovery by a tenant of the cost of any work which is done by him in compliance with a notice requiring him to do it but which is found by such an arbitration to be work which he was not under an obligation to do.

(3) Different forms may be prescribed for the purposes of paragraph (a) of subsection (1) of this section in relation to different circumstances.

(4) The power to make an order under the preceding provisions of this section shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, and includes power to revoke or vary any order by a subsequent order.

(5) Any expression used in this section and in the Agricultural Holdings Act 1948 has the same meaning in this section as in that Act.

(6) In paragraph (d) of section 24 (2) of the Agricultural Holdings Act 1948 the words "within a reasonable time or" are hereby repealed.

(7) This section shall not come into operation until such day as the Minister may by order made by statutory instrument appoint.

Extension of time limits in arbitration proceedings relating to agricultural holdings.

20. The periods specified respectively by—

(a) paragraph 6 of Schedule 6 to the Agricultural Holdings Act 1948 and paragraph 5 of Schedule 6 to the Agricultural Holdings (Scotland) Act 1949;

(b) paragraph 13 of Schedule 6 to the said Act of 1948,

as the period within which the parties to an arbitration are to deliver statements of their cases and the period within which the arbitrator is to make his award shall each be extended by fourteen days; and accordingly—

(i) for the word "fourteen", in both places where it occurs in the said paragraph 6 or the said paragraph 5, there shall be substituted the word "twenty-eight";

(ii) for the word "forty-two" in the said paragraph 13 there shall be substituted the word "fifty-six".

Amendment of rules as to valuation of sheep stocks in Scotland.

21.—(1) In Schedule 2 to the Hill Farming Act 1946 (which Schedule contains provisions as to the valuation of sheep stocks in Scotland where such stock is to be taken over at the termination of the tenancy of an agricultural holding by the landlord or the incoming tenant, and for the purposes of any such valuation provides for the adjustment of certain prices and values within limits specified in the Schedule and for the addition to certain other values of amounts so specified) the said limits and amounts shall, instead of being expressed as sums of money, be expressed as percentages, and accordingly—

(a) in paragraph 5 of Part I of the said Schedule, for the words "ten shillings" there shall be substituted the words "twenty per cent.";

(b) in head (a) of paragraph 6 of the said Part I, for the words "fifteen shillings" there shall be substituted the words "thirty per cent. of such value";

- (c) in head (c) of the said paragraph 6, for the words "five shillings" there shall be substituted the words "ten per cent." ;
- (d) in paragraph 2 of Part II of the said Schedule, for the words "five shillings" there shall be substituted the words "ten per cent." ;
- (e) in head (a) of paragraph 3 of the said Part II, for the words "fifteen shillings" there shall be substituted the words "thirty per cent. of such value" ;
- (f) in head (b) of the said paragraph 3, for the words "five shillings" there shall be substituted the words "ten per cent."

(2) The foregoing subsection shall not apply for the purposes of a valuation made in respect of a lease entered into before the commencement of this Act.

(3) This section shall be construed as one with the Sheep Stocks Valuation (Scotland) Acts 1937 and 1946 and may be cited with those Acts as the Sheep Stocks Valuation (Scotland) Acts 1937 to 1963.

22.—(1) Where any interest in land is compulsorily acquired in pursuance of a notice to treat served after 31st October 1962 or is sold by agreement, in pursuance of a contract made after that date, to an authority possessing compulsory purchase powers, and—

Allowances to persons displaced from agricultural land.

- (a) the land is used for the purposes of agriculture (within the meaning of the Agricultural Holdings Act 1948) and is so used by way of a trade or business ; and
- (b) the person carrying on the trade or business is displaced from the land ;

the acquiring authority may pay to him such reasonable allowance as they think fit towards his removal expenses and the loss which, in their opinion, he will sustain by reason of the resulting disturbance of his trade or business.

(2) In estimating that loss the authority shall have regard to the period for which the land might reasonably have been expected to be available for the purpose of the trade or business, and to the availability of other land suitable for that purpose.

(3) The preceding provisions of this section shall have effect without prejudice to the operation of any other enactment authorising the making of payments to persons displaced from any land.

(4) Section 39 of the Land Compensation Act 1961 (which makes provision as to the interpretation of that Act) shall apply in relation to the preceding provisions of this section as if they were contained in that Act.

- (5) In the application of this section to Scotland—
- (a) for the reference in subsection (1) to an authority possessing compulsory purchase powers, there shall be substituted a reference to a public authority possessing compulsory purchase powers ;
 - (b) in paragraph (a) of subsection (1) the words “ (within the meaning of the Agricultural Holdings Act 1948) ” shall be omitted ;
 - (c) for the reference in subsection (4) to section 39 of the Land Compensation Act 1961, there shall be substituted a reference to section 54 of the Town and Country Planning (Scotland) Act 1959.
- (6) In the application of this section to Northern Ireland—
- (a) “ authority possessing compulsory purchase powers ” means, in relation to any interest, any person or body of persons who, by or under any enactment of the Parliament of the United Kingdom, have been authorised to acquire the interest compulsorily or could have been so authorised for the purposes for which it was acquired, but with respect to whom the Parliament of Northern Ireland has no power to make laws corresponding to this section ;
 - (b) “ enactment ” in subsection (3) includes any enactment of the Parliament of Northern Ireland ; and
 - (c) subject to the preceding provisions of this subsection, subsections (1) to (4) of this section shall be construed as they are construed in their application to England and Wales, notwithstanding that the Agricultural Holdings Act 1948 and the Land Compensation Act 1961 do not extend to Northern Ireland.

Cold and chemical storage of eggs.

23.—(1) For the purposes of section 4 of the Agricultural Produce (Grading and Marking) Act 1928 (which regulates the cold and chemical storage of eggs)—

- (a) eggs shall not be treated as being kept in cold storage in any premises unless the temperature at which they are kept there is artificially reduced to below fifty degrees Fahrenheit ;
- (b) premises shall not be treated as being used by way of trade or for purposes of gain for the cold storage of eggs by reason only that eggs intended to be sold in the course of a retail trade carried on there are kept there in cold storage in the ordinary course of that trade.

(2) In subsection (2) of the said section 4 the following shall be substituted for paragraph (b):—

“(b) it shall not be lawful to cause British eggs to be placed in cold storage or chemical storage in any registered premises unless notice in writing containing the prescribed particulars is given at or before the time of the placing to the council by which the premises are registered, and either—

(i) the eggs are marked in the prescribed manner ;
or

(ii) the eggs are not intended for sale by retail in shell and are kept in a container which is marked in the prescribed manner ;

and if any person contravenes or fails to comply with the provisions of this paragraph he shall be guilty of an offence under this section :

(ba) where British eggs have been placed in cold storage or chemical storage in any registered premises without being marked in the prescribed manner it shall not be lawful to cause them to be removed from those premises unless not less than forty-eight hours' notice in writing containing the prescribed particulars has been given to the council by which the premises are registered, and either—

(i) the eggs are marked in the prescribed manner ;
or

(ii) the eggs are kept in a container marked in the prescribed manner and such evidence has been furnished to that council as is reasonably sufficient to satisfy the council that they are not intended for sale by retail in shell ;

and if any person contravenes or fails to comply with the provisions of this paragraph he shall be guilty of an offence under this section :

(bb) the occupier of any registered premises and any person who causes British eggs to be placed in cold storage or chemical storage in such premises shall keep the prescribed records and permit any duly authorised officer of the council of the county or county borough to inspect those records at all reasonable times ; and if any person fails to comply with the provisions of this paragraph he shall be guilty of an offence under this section ”.

(3) This section shall not come into operation until such day as the Ministers may by order made by statutory instrument appoint.

Seed potatoes.

24.—(1) The following provisions of this section shall have effect with respect to the particulars to be stated under section 1 of the Seeds Act 1920 by persons selling or exposing for sale any seed potatoes and with respect to the containers in which seed potatoes are to be delivered to a purchaser.

(2) So much of that section as relates to the time at which any statement is to be delivered to a purchaser, and the manner in which it may be delivered, shall not apply; but regulations under that Act may provide for the time at which any statement containing all or any of the said particulars is to be delivered, and may require such a statement—

- (a) to be in a form prescribed by the regulations;
- (b) to be delivered to the purchaser in such manner as may be so prescribed;
- (c) instead of or as well as being delivered in any other manner, to be delivered by being enclosed with the potatoes in their bags or other containers or by being marked on or attached to those bags or containers in such manner as may be so prescribed, or by being both so enclosed and so marked or attached;

and any such regulations may exclude any of the said particulars from those to be contained in a statement displayed under subsection (2) of that section with seed potatoes exposed for sale.

(3) Regulations under the said Act may prohibit, subject to any exceptions provided for by or under the regulations, the delivery to a purchaser of any seed potatoes otherwise than in such bags or other containers as may be prescribed by the regulations.

(4) In subsection (3) of the said section 1 the words “or seed potatoes, as the case may be” are hereby repealed.

(5) This section shall not come into operation until such day as the Ministers may by order made by statutory instrument appoint.

Purchases of sugar from Republic of Ireland.

25. The Sugar Board shall purchase such sugar, at such prices, as the Minister may from time to time direct for the purpose of fulfilling any agreement made by him after the passing of this Act for the purchase of sugar to be used as an ingredient of goods to be exported from the Republic of Ireland.

Provisions as to schemes, and meaning of “the appropriate Minister” in relation to schemes.

26. A scheme under this Act may be a separate scheme for England and Wales, or for Scotland, or for Northern Ireland, or a joint scheme for the United Kingdom, or for Great Britain, or for England and Wales and Northern Ireland or for Scotland

and Northern Ireland; and in this Act “the appropriate Minister” means—

- (a) in relation to a separate scheme for England and Wales or for Northern Ireland or a joint scheme for those countries, the Minister of Agriculture, Fisheries and Food;
- (b) in relation to any other joint scheme, the said Minister and the Secretary of State acting jointly; and
- (c) in relation to a separate scheme for Scotland, the Secretary of State.

27. There shall be paid out of moneys provided by Expenses. Parliament—

- (a) any grant, contribution, compensation or allowance payable by a Minister of the Crown by virtue of this Act (other than an allowance payable by the Postmaster General under section 22 of this Act);
- (b) any expenses incurred by the Minister under section 15 of this Act;
- (c) any expenses of administration incurred by a Minister of the Crown by virtue of this Act; and
- (d) any increase attributable to this Act in the sums payable out of moneys so provided under any other enactment.

28. The enactments specified in Part II of the Schedule to this Act are hereby repealed to the extent specified in column 3 of that Part. Repeals.

29.—(1) This Act may be cited as the Agriculture (Miscellaneous Provisions) Act 1963.

Short title,
interpretation
and extent.

(2) In this Act “the Minister”, except in section 5, means the Minister of Agriculture, Fisheries and Food, and “the Ministers” means the Minister and the Secretary of State acting jointly.

(3) Sections 8, 16 (2), 18 (1) and 19 of this Act do not extend to Scotland, and section 21 of this Act extends to Scotland only.

(4) The following provisions of this Act do not extend to Northern Ireland, that is to say, subsections (2) to (5) and (8) of section 5, and sections 8, 13 to 17, 18 (1), 19, 20, 21 and 23.

Sections 18
and 28

SCHEDULE

ENACTMENTS REPEALED

PART I

REPEALS TAKING EFFECT ON DISSOLUTION OF
AGRICULTURAL LAND COMMISSION

Session and Chapter	Short Title	Extent of Repeal
10 & 11 Geo. 6. c. 48.	The Agriculture Act 1947.	<p>Section 68. Section 69. Section 70, except as respects any financial year commencing before the dissolution of the Agricultural Land Commission.</p> <p>In section 75, the words from "partly in the area" where those words first occur, to "that area, or", the words "by or before the Sub-Commission or the Agricultural Land Commission or", and the words "as the case may be".</p> <p>In section 84, in subsection (1), paragraphs (a) and (b), the words from "the carrying out" to "equipment, or" and the words "as the case may be"; and subsections (2) to (6).</p> <p>Section 87. In section 105 (2), the words "the Agricultural Land Commission or" and the word "other".</p> <p>In Schedule 9, paragraphs 1 to 6, in paragraph 22, subparagraphs (1) and (3), in paragraph 23 (1), the words "the Commission, the Sub-Commission and", and in paragraph 24 the words "under the seal of the Commission or".</p> <p>Schedule 12.</p>
11 & 12 Geo. 6. c. 63.	The Agricultural Holdings Act 1948.	<p>In section 34 (4), the words from "and shall" to the end of the subsection.</p> <p>In section 60, paragraph (ii) of the proviso and the word "and" preceding that paragraph.</p>

Sca.

Session and Chapter	Short Title	Extent of Repeal
14 & 15 Geo. 6. c. 60.	The Mineral Workings Act 1951.	In section 23 (1), the words “(a) to”.
5 & 6 Eliz. 2. c. 20.	The House of Commons Disqualification Act 1957.	In Schedule 1, in Part II, the entry relating to the Agricultural Land Commission and the Welsh Agricultural Land Sub-Commission.

PART II

OTHER REPEALS

Session and Chapter	Short Title	Extent of Repeal
31 & 32 Vict. c. 89.	The Inclosure, etc. Expenses Act 1868.	Section 6.
51 & 52 Vict. c. 20.	The Glebe Lands Act 1888.	Section 9 (2).
15 & 16 Geo. 5. c. 18.	The Settled Land Act 1925.	In section 115 (3), the words “to fees or”.
15 & 16 Geo. 5. c. 24.	The Universities and College Estates Act 1925.	Section 39.
18 & 19 Geo. 5. c. 19.	The Agricultural Produce (Grading and Marking) Act 1928.	Section 6 (3).
21 & 22 Geo. 5. c. 43.	The Improvement of Live Stock (Licensing of Bulls) Act 1931.	In section 2 (1), the words “(not exceeding five shillings)”. In section 5 (1), the words “(not exceeding two guineas)”.
22 & 23 Geo. 5. c. lxiv.	The Kendal Corn Rent Act 1932.	In section 11, in subsection (1), the words from “together with” to “redemption”; in subsection (2), in paragraph (i) the words from “Any expenses” to the end of the paragraph; and in subsection (5) the words “and of the expenses incident to the redemption”.
6 & 7 Geo. 6. c. 9.	The Universities and Colleges (Trusts) Act 1943.	In section 2 (2), the words “and thirty-nine”.
14 Geo. 6. c. 36.	The Diseases of Animals Act 1950.	Section 34. Section 36 (2). Section 37 (6). Section 41 (4). Section 49 (3). Section 76 so far as it relates to fees.

SCH.

Session and Chapter	Short Title	Extent of Repeal
14 & 15 Geo. 6. c. 18.	The Livestock Rearing Act 1951.	Sections 3 and 6.
4 & 5 Eliz. 2. c. 72.	The Hill Farming Act 1956.	Section 1 (2). Section 2.
6 & 7 Eliz. 2. c. 43.	The Horse Breeding Act 1958.	In section 2 (1), the words "(not exceeding one guinea)". In section 3 (1), the words "(not exceeding one guinea)". In section 5 (1), the words "(not exceeding five guineas)".

Table of Statutes referred to in this Act

Short Title	Chapter
Inclosure &c. Expenses Act 1868	31 & 32 Vict. c. 89.
Glebe Lands Act 1888	51 & 52 Vict. c. 20.
Seeds Act 1920	10 & 11 Geo. 5. c. 54.
Universities and College Estates Act 1925	15 & 16 Geo. 5. c. 24.
Agricultural Produce (Grading and Marking) Act 1928	18 & 19 Geo. 5. c. 19.
Improvement of Live Stock (Licensing of Bulls) Act 1931	21 & 22 Geo. 5. c. 43.
Tithe Act 1936	26 Geo. 5. & 1 Edw. 8. c. 43.
Sheep Stocks Valuation (Scotland) Act 1937 ...	1 Edw. 8. & 1 Geo. 6. c. 34.
Agriculture (Miscellaneous Provisions) Act 1944 ...	7 & 8 Geo. 6. c. 28.
Hill Farming Act 1946	9 & 10 Geo. 6. c. 73.
Agricultural Holdings Act 1948	11 & 12 Geo. 6. c. 63.
Agricultural Holdings (Scotland) Act 1949 ...	12, 13 & 14 Geo. 6. c. 75.
Diseases of Animals Act 1950	14 Geo. 6. c. 36.
Livestock Rearing Act 1951	14 & 15 Geo. 6. c. 18.
Tithe Act 1951	14 & 15 Geo. 6. c. 62.
Agriculture (Fertilisers) Act 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 15.
Hill Farming Act 1956	4 & 5 Eliz. 2. c. 72.
Agriculture Act 1957	5 & 6 Eliz. 2. c. 57.
Horse Breeding Act 1958	6 & 7 Eliz. 2. c. 43.
Town and Country Planning (Scotland) Act 1959 ...	7 & 8 Eliz. 2. c. 70.
Land Compensation Act 1961	9 & 10 Eliz. 2. c. 33.

1963 CHAPTER 12

Local Government (Financial Provisions) (Scotland) Act 1963

ARRANGEMENT OF SECTIONS

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- Section** *Exchequer grants and apportionment*
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 2. Condition for, and amount of, Exchequer Equalisation Grants.
 3. Reduction of Exchequer Equalisation Grants in respect of low rent income.
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 5. Reduction and discontinuance of Exchequer Transitional Grants.
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SCHEDULES:

- Schedule 1—Recalculation of certain Apportionments for 1961–62.
 - Schedule 2—Weighted Population for determining Standard Penny Rate Product.
 - Schedule 3—Repeal of Enactments.
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An Act to continue, with amendments, the provisions relating to the payment of Exchequer Equalisation and Transitional Grants to local authorities in Scotland; to increase the limit of contributions payable to such authorities under the Rural Water Supplies and Sewerage Act 1944; to alter the basis of apportionment among such authorities of certain sums (including the aggregate amount of the General Grants payable under the Local Government and Miscellaneous Financial Provisions (Scotland) Act 1958); and to amend the law of Scotland with respect to the valuation for rating of industrial and freight transport lands and heritages and to other matters relating to valuation, rating, and local authorities' financial administration; and for purposes connected with the matters aforesaid.

[15th May 1963]

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

Exchequer grants and apportionment

Continuation of provisions relating to Exchequer Equalisation and Transitional Grants.

1. Notwithstanding anything in section 29 of the Act of 1956 the following provisions (being provisions relating to Exchequer Equalisation and Transitional Grants), that is to say—

- (a) sections 22, 24, 30, 31 and 32 of the Act of 1948,
- (b) the Act of 1954, and
- (c) Part IV of the Act of 1956,

so far as in force immediately before the commencement of this section, shall continue in force, subject to the provisions of this Act.

Condition for, and amount of, Exchequer Equalisation Grants.

2.—(1) As respects the year 1963–64 and subsequent years the condition for the payment to a county council or the town council of a burgh of an Exchequer Equalisation Grant under the Act of 1954 for any year shall be that the product of a rate of one penny in the pound for the area of the council for that year is less than the standard penny rate product for the area for that year; and, subject to the next following section, the amount of the grant shall be the amount which bears to the relevant local expenditure for the area for that year the same proportion as the difference between the said products bears to the standard penny rate product.

(2) For the purposes of this section—

- (a) the area of a county council is the landward area of the county and the area of a town council of a burgh is the burgh ; and
- (b) the expression “ relevant local expenditure ” in relation to any area for any year means so much of the total expenditure for the year as would fall to be met out of moneys raised by rates levied in the area if no exchequer grants applicable towards meeting such expenditure were payable under the Act of 1954.

(3) Accordingly the Act of 1954 shall have effect as respects the year 1963-64 and subsequent years as if for section 3 thereof there were substituted the following section:—

“ 3. Where for the year 1963-64 or any subsequent year the product of a rate of one penny in the pound as defined for the purposes of the Local Government (Financial Provisions) (Scotland) Act 1963 for the landward area of a county, for a large burgh or for a small burgh is less than the standard penny rate product, as so defined, for the landward area or burgh there shall be paid to the county council or, as the case may be, the town council an Exchequer Equalisation Grant of such amount as is provided by sections 2 and 3 of the said Act of 1963 ”.

3.—(1) Where for the year 1963-64 or any subsequent year the actual rent income of a county council or town council is less than the council's notional rent income there shall (notwithstanding anything in section 1 of the Act of 1954 or section 26 of the Act of 1956) be deducted from any Exchequer Equalisation Grant which would, apart from this section, be payable to the council for that year under section 3 of the Act of 1954 an amount equal to the difference between—

Reduction of Exchequer Equalisation Grants in respect of low rent income.

- (a) the amount of the grant as calculated for the year in question under the said section 3, and
- (b) the amount which would result from that calculation if for the council's actual rent income for that year there were substituted their notional rent income for that year.

(2) Notwithstanding any reductions made in the Equalisation Grant payable to councils consequent on subsection (1) above the total Equalisation Grant disbursed to Scottish local authorities shall not fall below an amount ascertained in accordance with section 1(1)(b) of the Act of 1954.

(3) In this section—

- (a) references to a council's actual rent income for any year are references to the income receivable for the year by

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PART I

the council and credited to their housing revenue account for the year under paragraph (a) of section 138(1) of the Housing (Scotland) Act 1950 in respect of the relevant subjects, together with any sums so credited under subsection (2) or (3) of the said section 138, but excluding any such income as aforesaid which by reason of the granting of any rent rebates is not actually received ; and

- (b) references to a council's notional rent income for any year are references to such percentage of the aggregate of the gross annual values of the relevant subjects, as shown in the valuation roll for the year in question, as is specified in the second column of the following Table in relation to that year :

Provided that, if he is requested by any council to do so, the Secretary of State shall direct that, in relation to that council and in relation to such year as may be specified in the direction, this section shall have effect as if references therein to the council's notional rent income for that year were references to such percentage of the aggregate of the gross annual values of the relevant subjects, as shown in the valuation roll for the year in question, as is specified in the third column of the said Table in relation to that year, less an amount equal to the aggregate of any rent rebates granted in respect of those subjects by the council for that year in pursuance of any rent rebates scheme approved by the Secretary of State for the purposes of this section.

TABLE

<i>Year</i>	<i>Percentage first referred to above</i>	<i>Percentage second referred to above</i>
1963-64... ..	85 per cent.	90 per cent.
1964-65... ..	90 per cent.	95 per cent.
Any subsequent year ...	95 per cent.	100 per cent.

(4) In the last foregoing subsection—

- (a) references to the relevant subjects, in relation to any council and in relation to any year, are references to any houses, buildings, land or dwellings let by the council and shown in the valuation roll for that year ;
- (b) references to the aggregate of the gross annual values of the relevant subjects, in relation to any council, are references to that aggregate exclusive of such part of the gross annual value of any house or dwelling comprised in those subjects as may be certified by the assessor to be attributable to any garage provided otherwise than by the council ;

- (c) the expression "rent rebates" means rebates to which section 73(4) of the Housing (Scotland) Act 1950 or section 29 of the Housing (Scotland) Act 1962 refers;
- (d) the expression "rent rebates scheme" includes any scheme for the granting of rent rebates (including so much of any rents scheme made under the said section 29 as relates to rent rebates); and
- (e) the expression "valuation roll" does not include "supplementary valuation roll".

(5) The Secretary of State may by order provide that the Table set out in subsection (3) of this section shall have effect as respects any year of revaluation specified in the order, and in relation to such local authority or local authorities as may be so specified, as if for the percentages specified for that year in the Table there were substituted such lower percentages as may be specified in the order.

(6) An order under the last foregoing subsection shall not have effect unless approved by a resolution of the Commons House of Parliament.

4. The Act of 1954 shall have effect as respects the year 1963-64 and subsequent years as if for section 8 thereof there were substituted the following section:—

District
councils' share
of Exchequer
Equalisation
Grants.

"8.—(1) A county council shall, out of any Exchequer Equalisation Grant paid to them under the foregoing provisions of this Act for the year 1963-64 or any subsequent year, pay to the council of any district in the county an amount which bears to the amount of the Exchequer Equalisation Grant which was so paid (or, in a case to which section 3 of the Local Government (Financial Provisions) (Scotland) Act 1963 applies, would have been so paid if no deductions under that section had been made) the same proportion as the expenditure of the district council for that year bears to the relevant local expenditure for the landward area of the county for that year.

(2) In this section—

"district" has the same meaning as in the Local Government (Scotland) Act 1947;

"expenditure" in relation to a district council for any year means so much of that council's expenditure for that year as is reckoned in calculating the relevant local expenditure for that year for the landward area of the county in which the district is situated for the purposes of section 2 of the said Act of 1963; and

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“relevant local expenditure” in relation to the landward area of a county for any year has the same meaning as it has for the purposes of the said section 2”.

Reduction and discontinuance of Exchequer Transitional Grants.

5. Notwithstanding anything in subsection (3) of section 6 of the Act of 1954 (which relates to Exchequer Transitional Grants) the amount of any Exchequer Transitional Grant payable to a county council or the town council of a burgh under that section for any year specified in the first column of the following Table shall be such percentage as is specified in relation to that year in the second column of that Table of the amount which would be payable apart from this section; and no such grant shall be payable for the year 1967-68 or any subsequent year:—

TABLE

Year		Percentage
1963-64	...	80 per cent.
1964-65	...	60 per cent.
1965-66	...	40 per cent.
1966-67	...	20 per cent.

Increase of limit of contributions under section 1 of Rural Water Supplies and Sewerage Act 1944.

6.—(1) The limit imposed by subsection (5) of section 1 of the Rural Water Supplies and Sewerage Act 1944 as read with section 7 of that Act on the aggregate amount of the contributions which may be made under the said section 1 towards expenses incurred by local authorities (within the meaning of that Act) in Scotland shall be increased from thirty million pounds to forty-five million pounds.

(2) Subsection (3) of section 1 of the Rural Water Supplies and Sewerage Act 1955 (which relates to the amount to be taken into account for the purposes of the limit imposed by the provision aforesaid where contributions are made by way of a series of periodical payments) shall apply in relation to that limit as increased by this Act.

Apportionment.

7.—(1) Subject to the following provisions of this section, where, in pursuance of any enactment, any statutory order or instrument or any agreement, any sum is required—

(a) to be calculated according to, or according to a formula based in whole or in part on, the following valuation, that is to say the rateable valuation or standard rateable value, whichever is the higher, of any area for any year, or

(b) to be apportioned or allocated among local authorities or other bodies according to that valuation for each of

two or more areas for any year, or according to any such formula as aforesaid,

such calculation or such apportionment or allocation, as the case may be, shall be made with the substitution for that valuation of the product of a rate of one penny in the pound or the standard penny rate product, whichever is the higher, for the area, or, as the case may be, each of the areas, in question for that year.

(2) The foregoing subsection shall apply to any calculation, or apportionment or allocation required to be made for the year 1963-64 or any subsequent year:

Provided that in the case of such calculation, or apportionment or allocation required to be made under an agreement the said subsection shall not apply thereto if the parties concerned so agree.

(3) For the purposes of this section the standard penny rate product for any area for any year shall be taken to be—

(a) in the case of the year 1966-67 or any subsequent year of revaluation, such sum as may be determined by the Secretary of State by reference to the estimate of the rateable valuation of the area for that year received by him from the appropriate assessor under the next following subsection; and

(b) in the case of any other year, an estimate of the standard penny rate product for that area for that year made by the Secretary of State for the purposes of this section on the basis of such figures as are, in his opinion, the best available to him at the time when the estimate is made.

(4) The assessor for each valuation area shall, not later than the fifteenth day of March in the year preceding any year of revaluation, estimate the rateable valuation in that year of revaluation of the landward area of each county and of each burgh situated within the valuation area and shall send certified copies of the estimate so made to the rating authority of such county or burgh and to the Secretary of State.

(5) Schedule 1 to this Act shall have effect for the purpose of the recalculations mentioned therein, being recalculations in respect of the year 1961-62.

8.—(1) The Secretary of State may by order vary the method by which the weighted population of a county or a burgh is calculated, for the purposes of paragraph 1 of Schedule 2 to the Act of 1958 (which relates to the apportionment to local authorities of the aggregate amount of General Grants), under paragraph 5 thereof; and, without prejudice to the foregoing generality, may in particular by such order vary the manner

Weighted population for purposes of General Grants.

PART I

in which, and the date as at which, population or the number of persons of any description, or the number of miles of roads, is to be calculated.

(2) Paragraph 5 of the said Schedule 2 shall have effect as if after the words "purposes of" where they first occur there were inserted the words "paragraph 1 of".

(3) An order under this section may be made so as to have effect for the purposes of the year 1964-65 or any subsequent year.

(4) Before making any order under this section, the Secretary of State shall consult with such associations of local authorities as appear to him to be concerned; and any such order shall not have effect unless approved by a resolution of the Commons House of Parliament.

Meaning of product of a rate of one penny in the pound and standard penny rate product.

9.—(1) References in this Part of this Act to the product of a rate of one penny in the pound for any area for any year are references to an amount calculated for that area for that year in accordance with rules made in that behalf by the Secretary of State under this subsection.

(2) Before making any rules under the foregoing subsection, the Secretary of State shall consult with such associations of local authorities as appear to him to be concerned; and any such rules shall be subject to annulment in pursuance of a resolution of the Commons House of Parliament.

(3) Except so far as otherwise provided in this Part of this Act references therein to the standard penny rate product for any year for any area which is a burgh or the landward area of a county are references to the amount which bears to the weighted population of the burgh or landward area, as the case may be, for the year the same proportion as the governing factor for that year bears to the aggregate of the weighted populations for that year of all the landward areas and all the burghs in Scotland.

(4) The governing factor for any year to be used for the purposes of the last foregoing subsection shall be determined by the Secretary of State, and shall be so determined that its use as aforesaid would, apart from section 3 of this Act, result as nearly as may be in the distribution to county councils and town councils of that part of the amount available by virtue of section 26 of the Act of 1956 for the payment of exchequer grants in respect of that year which remains after payment of the Transitional Grants payable under section 6 of the Act of 1954.

(5) For the purposes of subsection (3) of this section the weighted population of an area for any year shall be determined in accordance with the provisions of Schedule 2 to this Act.

(6) In the case of any area which is part of a burgh or of the landward area of a county, references in this Part of this Act to the standard penny rate product of the area are, except so far as otherwise provided therein, references to so much of the standard penny rate product of the burgh or, as the case may be, the landward area as bears to the whole the same proportion as the rateable valuation of the area in question bears to the rateable valuation of the burgh or, as the case may be, the landward area.

(7) Schedule 6 to the Act of 1956 (which relates to Exchequer Grants) shall, as respects 1963-64 and any subsequent year, have effect as if for sub-paragraphs (a) and (b) of paragraph 2 there were substituted the words "the weighted population of any burgh or landward area shall be the weighted population thereof as it would be calculated under Schedule 2 to the Local Government (Financial Provisions) (Scotland) Act 1963, for the purposes of section 9(3) of that Act, if any reference in the said Schedule to the variation weighting for the burgh or landward area were omitted".

PART II

Valuation and Rating

10.—(1) As respects the year 1966-67 and subsequent years the rateable value of the industrial and freight transport lands and heritages to which section 45 of the Local Government (Scotland) Act 1929 applies shall, subject to the next following subsection, be the net annual value thereof as ascertained under subsection (6) or subsection (8), as the case may be, of section 6 of the Act of 1956; and accordingly subsection (9) of that section shall, as respects those years, have effect as if the words "save as provided in section forty-five of the Local Government (Scotland) Act 1929" were omitted.

Rateable value of industrial and freight transport lands and heritages.

(2) Notwithstanding anything in the foregoing subsection the Secretary of State may by order provide that in respect of the year 1966-67 and such immediately subsequent years, if any, as may be specified in the order the rateable value of the said lands and heritages shall be the amount produced by deducting from the net annual value thereof such percentage of that value as may be so specified; but an order under this subsection shall not have effect unless approved by a resolution of the Commons House of Parliament.

(3) In an order under the last foregoing subsection different provision may be made for lands and heritages in different rating areas.

(4) As respects the year 1966-67 and subsequent years subsection (4) of section 47 of the Local Government (Scotland) Act 1929 (which confers upon certain occupiers of industrial lands and heritages the right to recover in each year from the

PART II

owner of the lands and heritages a sum equal to three times the owner's share of the rates payable in respect of the lands and heritages for that year) shall not have effect.

Amendment of standard amount in respect of liability of Railways Board to make payments for the benefit of local authorities.

11. The power to make orders conferred on the Secretary of State by section 109 of the Act of 1948 (which relates to payments by transport authorities for the benefit of local authorities) shall include power to make orders amending either or both of the amounts certified by him for the purpose of determining the standard amount for the Railways Board under subsection (3) of section 66 of the Transport Act 1962.

Basic rateable valuation of Gas Boards.

12.—(1) For the purposes of Schedule 4 to the Act of 1962 (which relates to the valuation and rating of Gas Boards) the basic rateable valuation of the Scottish Gas Board shall (subject to the following provisions of this section) be six hundred and fifteen thousand eight hundred and seventy-six pounds:

Provided that this subsection shall not affect the liability for rates of the said Board in respect of any period before the year 1963–64.

(2) If it appears to the Secretary of State that by reason of any substantial change of circumstances it is expedient so to do, he may by order, made after consultation with the Gas Board concerned, the Scottish Valuation Advisory Council and such associations of local authorities as appear to him to be concerned, vary the basic rateable valuation of any Gas Board but an order under this subsection shall not have effect unless approved by a resolution of the Commons House of Parliament.

(3) The said Schedule shall as respects the years 1963–64 and subsequent years have effect as if—

- (a) in paragraph 1 for the expression “ 1961–62 ” there were substituted the expression “ 1963–64 ”;
- (b) paragraphs 2, 7 and 8, and in paragraph 3 the words “ and subject to the provisions of paragraph 1 thereof ”, were omitted; and
- (c) in paragraph 9 after the word “ Assessor ” there were inserted the words “ of Public Undertakings (Scotland) (hereinafter referred to as ‘ the Assessor ’) ”.

Valuation by formula of certain lands and heritages.

13.—(1) The Secretary of State may by order make provision for determining the rateable value of lands and heritages to which this section applies, or any class or description of such lands and heritages specified in the order, by such method as may be so specified.

(2) This section applies to—

- (a) any lands and heritages occupied by the National Coal Board;

(b) any other lands and heritages—

- (i) which consist of or include a mine or quarry, or**
- (ii) 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 lands and heritages occupied by the persons carrying on, under authority conferred by or under any enactment, a dock or harbour undertaking ;**
- (d) any lands and heritages occupied by the persons carrying on an undertaking for the diffusion by wire of sound or television programmes ; and**
- (e) any lands and heritages occupied by persons carrying on (otherwise than under authority conferred by or under any public general enactment) an undertaking for the generation of electricity by water power.**

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 lands and heritages falling within any paragraph of the foregoing subsection, or any class or description of such lands or heritages, may provide for determining rateable value by the application of different methods of valuation to different parts of the lands and heritages.

(4) Before making any order under this section the Secretary of State 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 any year of revaluation beginning after any order under this section has come into effect the Secretary of State 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 Secretary of State 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 lands and heritages to which the order relates, may as regards such lands and heritages apply, restrict or modify the enactments

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PART II relating to appeals or complaints in connection with the valuation roll, and shall have effect notwithstanding anything in any such enactment.

(7) An order under this section shall not have effect unless approved by a resolution of the Commons House of Parliament.

(8) An order under this section shall not have effect for the purposes of a valuation roll in force at the passing of this Act.

Provisions relating to agricultural lands and heritages.

14.—(1) Notwithstanding anything in subsection (2) of section 7 of the Act of 1956 (which relates amongst other things to the definition of agricultural buildings)—

(a) a building (other than a dwelling-house) which is occupied by any person, and is used solely in connection with agricultural operations carried on by that person on any agricultural land (other than the building) whether adjacent to the building or not, being agricultural land occupied by that person, and

(b) any land occupied together with any such building and used solely in connection with the use of the building shall be treated as respects the year 1963-64 and subsequent years as agricultural lands and heritages for the purposes of subsection (3) of the said section 7 (which provides that agricultural lands and heritages shall be entered in the valuation roll).

(2) The foregoing subsection shall apply to a building occupied by or on behalf of an association to which this subsection applies and to any land occupied together therewith as it applies to a building occupied by a person and to any land occupied therewith, but with the following modifications:—

(a) for the reference in paragraph (a) thereof to agricultural operations carried on by the person there shall be substituted a reference to such operations carried on by the association or any member thereof; and

(b) for the reference in the said paragraph (a) to agricultural land occupied by the person there shall be substituted a reference to such land occupied by or on behalf of the association or by any member thereof.

(3) The last foregoing subsection applies to any association of not more than twenty persons who are jointly and severally liable for any debts of the association.

Proceedings in appeals.

15.—(1) In proceedings before a valuation appeal committee in respect of lands and heritages situated in any valuation area it shall be competent for the assessor, or the appellant or complainant, to found by way of comparison on lands and heritages situated in any other valuation area.

(2) The Secretary of State may make regulations governing the procedure of the valuation appeal committees established under section 5 of the Act of 1956.

(3) Regulations under this section may provide for the repeal of all or any of the following enactments, being enactments relating only to the procedure in proceedings before valuation appeal committees:—

(a) sections 10 and 13 of the Lands Valuation (Scotland) Act 1854;

(b) section 6 except the words from the beginning of the section to “erroneously therein”, and section 8, of the Valuation of Lands (Scotland) Amendment Act 1879.

(4) Regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

16. Subsection (2) of section 177, and subsection (2) of section 181, of the Act of 1947 (which subsections impose a duty on county councils and town councils respectively to consider estimates and among other things to fix amounts required to be requisitioned or raised by rates) shall have effect as if, in each case, there were inserted at the beginning the words “Before, or as soon as may be after, the commencement of each financial year”, and as if in each case the words “as early as practicable in each financial year” were omitted. Amendment of sections 177 and 181 of Act of 1947.

17. Section 240 of the Act of 1947 (which empowers rating authorities to levy rates on owners, instead of occupiers, in certain cases) shall not authorise the retention by a rating authority of any portion of a rate paid by an owner under that section in respect of any period during which the lands and heritages concerned are unoccupied; and accordingly in that section for the words “fails to recover the amount payable by any such occupier” there shall be substituted the words “is unable to recover the amount paid by him to the rating authority”. Amendment of section 240 of Act of 1947.

18. Notwithstanding anything in the definition of occupier in subsection (1) of section 379 of the Act of 1947, lands and heritages shall not be deemed for the purposes of section 243 of that Act (which relates to unoccupied subjects) to be occupied as respects the year 1963-64 or any subsequent year by reason only that they are subject to a tenancy or sub-tenancy; and the said section 243 shall have effect as respects any such year as if the word “unlet”, wherever it occurs in the said section, were omitted. Amendment of section 243 of Act of 1947.

19.—(1) Any lands and heritages—

(a) which consist of a park vested in or under the control of a local authority; and

Certain parks not to be entered in valuation roll.

PART II

(b) from which the local authority does not derive net profit,

shall not be entered in the valuation roll for the year 1963-64 or any subsequent year :

Provided that this subsection shall not apply to any building comprised in any such park unless it is used for purposes ancillary to those of the park.

(2) In this section the expression "local authority" includes a district council, and the expression "park" includes any recreation ground or pleasure ground.

Repayment of rates paid in error.

20.—(1) Where it is shown to the satisfaction of a rating authority that any amount has been paid to them in respect of rates by reason of an error of fact, and the amount is not recoverable apart from this section, the authority shall repay the amount to the person from whom they received it or to any other person appearing to them to be entitled to that person's interest :

Provided that no repayment under this subsection shall be made after the end of the sixth year after that in respect of which the amount was paid, unless application therefor was before that time.

(2) In this section the expression "rating authority" has the same meaning as in Part XI of the Act of 1947.

Application of payments made to county councils under Part V of Act of 1948.

21.—(1) A county council shall, out of any sums received by them under Part V of the Act of 1948 for the year 1963-64 or any subsequent year, pay to the council of any district in the county an amount which bears to the amount of the sums so received the same proportion as the expenditure of the district council for that year bears to the relevant local expenditure for the landward area of the county for that year.

(2) Section 101 of the Act of 1948 (which relates to the application of payments under the said Part V) shall have effect as respects the year 1963-64 and any subsequent year only in relation to so much of the sums received as mentioned therein as is not paid to district councils under the foregoing subsection.

(3) In this section—

"district" has the same meaning as in the Act of 1947 ;

"expenditure" in relation to a district council for any year means so much of that council's expenditure for that year as is reckoned in calculating the relevant local expenditure for that year for the landward area of the county in which the district is situated for the purposes of section 2 of this Act ; and

"relevant local expenditure" in relation to the landward area of a county for any year has the same meaning as it has for the purposes of the said section 2.

22. The Act of 1956 shall have effect subject to the following modifications, being modifications in provisions relating to valuation or rating:—

PART II
Miscellaneous amendments of Act of 1956 relating to valuation and rating.

- (a) the maximum number of members of the valuation appeal committee for any valuation area appointed under section 5 of that Act shall be increased from twenty to thirty, and accordingly in paragraph (a) of subsection (1) of that section for the word "twenty" there shall be substituted the word "thirty";
- (b) in section 5 of that Act, in paragraph (d) of subsection (1), after the word "chairman" where it last occurs there shall be inserted the words "or if both are absent a member nominated by the members present from amongst them shall preside and";
- (c) paragraph (b) of subsection (6) of section 7 of that Act (which relates to the net annual value and rateable value of a dwelling-house occupied in connection with any agricultural lands and heritages situated within the counties to which the Crofters (Scotland) Acts 1955 and 1961 apply) shall have effect as if for the words "fifty acres" there were substituted the words "seventy-five acres";
- (d) the power conferred on the Secretary of State by section 13 of that Act to prescribe dates and periods for certain purposes shall include the power to prescribe different dates and periods for those purposes in years of revaluation and in other years respectively;
- (e) subsection (6) of section 15 of that Act (which provided that for the year 1961-62 in a case where an appeal was pending the rating authority might levy rates according to the rateable value as appearing in the valuation roll for the immediately preceding year, or the rateable value appearing in the entry in the valuation roll against which such appeal had been taken, whichever was the lesser) shall have effect as if for the words "the year 1961-62" there were substituted the words "years of revaluation".

PART III

Miscellaneous and General

23.—(1) Section 199 of the Act of 1947 (which provides among other things for the publication by the clerk of a local authority of notice of the right of any ratepayer within the area of the local authority to inspect an abstract of the authority's accounts during a period of seven days specified in the notice) shall have effect in relation to any such notice published after 16th May 1963 as if there were added at the end thereof the following subsection:—

Amendment of sections 199 and 200 of Act of 1947.

- (c) of subsection (1) of this section shall be a period of

PART III

seven consecutive days, so however that in determining the period any Sunday, and any other day on which the offices of the local authority are not open for public business generally, shall be disregarded.”

(2) Section 200 of the Act of 1947 (which also relates to the inspection of accounts) shall have effect as if in subsection (1) thereof the word “any” were inserted immediately before the word “Saturday”, in the second place where that word occurs; and as if after subsection (1) thereof there were inserted the following subsection:—

“(1A) Any such ratepayer may make written application to the local authority for an opportunity to inspect the said abstract of accounts at such reasonable time as may be specified in the application, being a time not between the hours specified in the foregoing subsection in relation to Saturdays and other weekdays respectively but within the period of seven days referred to in that subsection; and where such application has been made, the local authority shall make the abstract of accounts available for inspection by the ratepayer at that time in such manner as the local authority may determine”.

Regulations,
rules and
orders.

24.—(1) Any power conferred by this Act to make regulations, rules or orders shall be exercisable by statutory instrument.

(2) Any power conferred by this Act to make an order includes the power to vary or revoke the order by subsequent orders made in the like manner and subject to the like conditions.

Expenses.

25. There shall be paid out of moneys provided by Parliament any increase attributable to this Act in the sums payable out of moneys so provided—

(a) by way of Exchequer Equalisation or Transitional Grant under the enactments relating to local government in Scotland; and

(b) under the Rural Water Supplies and Sewerage Act 1944 or the Housing (Scotland) Act 1962.

Interpretation.

26.—(1) Part I of this Act shall be construed as one with the Act of 1954.

(2) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

“the Act of 1947” means the Local Government (Scotland) Act 1947;

“the Act of 1948” means the Local Government Act 1948;

“the Act of 1954” means the Local Government (Financial Provisions) (Scotland) Act 1954;

- “ the Act of 1956 ” means the Valuation and Rating (Scotland) Act 1956 ;
- “ the Act of 1958 ” means the Local Government and Miscellaneous Financial Provisions (Scotland) Act 1958 ;
- “ local authority ” means a county council or the town council of a burgh ;
- “ rate ” has the same meaning as in the Act of 1947, except that in section 2 of this Act it does not include any domestic water rate ;
- “ rateable valuation ” in relation to any area has the same meaning as in the Act of 1956 ;
- “ valuation ” includes value ;
- “ year ” means a period of twelve months beginning on 16th May, except that in relation to a local authority whose financial year begins on a day other than 16th May, it means a period of twelve months beginning on that other day ; and “ year ” followed by a reference to two calendar years means the year beginning in the first of those calendar years ;
- “ year of revaluation ” has the same meaning as in section 9 of the Act of 1956.

(3) Any reference in this Act to any enactment shall be construed as a reference to that enactment as amended or extended by any other enactment including this Act.

27. The enactments specified in Schedule 3 to this Act are hereby repealed to the extent specified in the third column of that Schedule, the repeals taking effect—

- (a) in the case of the enactments specified in Part I of that Schedule, on 16th May 1963 ; and
- (b) in the case of the enactments specified in Part II of that Schedule, on 16th May 1966 :

Provided that the repeals specified in the said Part I shall not affect any calculation, apportionment or allocation which requires to be made in respect of any year earlier than the year 1963-64.

28.—(1) This Act may be cited as the Local Government (Financial Provisions) (Scotland) Act 1963. Short title
and extent.

(2) This Act shall extend to Scotland only.

SCHEDULES

Section 7.

SCHEDULE 1

RECALCULATION OF CERTAIN APPORTIONMENTS FOR 1961-62

1. Where, in pursuance of section 1 of the Local Government (Financial Provisions, etc.) (Scotland) Act 1962, the calculation of—

- (a) the apportionment and allocation among local authorities of the expenditure of a county council in respect of the year 1961-62, or
- (b) the apportionment among landward areas and burghs of the general grant apportioned to a county under paragraph 1 of Schedule 2 to the Act of 1958 for the year 1961-62,

has been revised according to a formula based in whole or in part on estimates of the rateable valuation of the areas concerned made under subsection (1) of the said section 1, and the Secretary of State is satisfied that the revised calculation would have produced a substantially different result if for the said estimates there had been substituted the actual rateable valuations of the areas concerned for the year 1961-62, he may direct that the calculation shall be further revised with that substitution.

2. In the foregoing paragraph the expression "actual rateable valuation" in relation to any area means the rateable valuation (as defined for the purposes of the Act of 1956) made up from the valuation roll for the year 1961-62 after adjustment as a result of any relevant appeals, including appeals by way of stated case to the Lands Valuation Appeal Court.

3. Where any apportionment and allocation of expenditure, or any apportionment of general grant, in respect of the year 1961-62, as further revised in pursuance of a direction made under this Schedule, differs from any corresponding apportionment and allocation, or, as the case may be, apportionment, in respect of that year which has previously taken effect, the appropriate adjustment shall be made in the corresponding apportionment and allocation, or apportionment, for the year 1963-64:

Provided that, where an appeal against an entry in the valuation roll for the year 1961-62 is still pending at the commencement of the year 1963-64, the said adjustment shall be made in the corresponding apportionment and allocation, or apportionment, for the year 1964-65.

Section 9.

SCHEDULE 2

WEIGHTED POPULATION FOR DETERMINING STANDARD PENNY RATE PRODUCT

General

1. For the purposes of section 9(3) of this Act the weighted population of an area for any year shall be the population thereof plus the number of children under fifteen years of age therein, plus (if applicable in accordance with this Schedule)—

- (a) the variation weighting, and

(b) the road mileage weighting,
for the area.

SCH. 2

Variation weighting

2. For the purposes of the foregoing paragraph the variation weighting for an area which is a large burgh shall be the number of persons by which the increase or decrease (if any) of the population of the burgh during the period of five years immediately preceding the year in question exceeds one-twentieth of the population of the burgh in the first year of that period of five years.

3.—(1) For the purposes of paragraph 1 of this Schedule the variation weighting for an area which is a small burgh or the landward area of a county shall be such number as bears to the number ascertained under the following sub-paragraph the same proportion as the population of the area bears to the population of the county.

(2) The number to be ascertained under this sub-paragraph is the number of persons by which the increase or decrease (if any) of the population of the county during the period of five years immediately preceding the year in question exceeds one-twentieth of the population of the county in the first year of that period of five years.

Road mileage weighting

4.—(1) The road mileage weighting for an area which is a small burgh or the landward area of a county, being an area situated in a county to which this paragraph applies, shall be such number as bears to the number ascertained under sub-paragraph (3) of this paragraph the same proportion as the population of the area bears to the population of the county.

(2) This paragraph applies to a county in respect of which the figure arrived at by dividing the population of the county by the road mileage thereof is less than seventy.

(3) The number to be ascertained under this sub-paragraph is one-third of the number of the additional population needed in order that the figure arrived at by the division mentioned in the last foregoing sub-paragraph should be seventy.

Supplementary

5. In the computation of the population of any area for the purpose of ascertaining the variation weighting for the area under this Schedule no account shall be taken of any members of the armed forces of the Crown (within the meaning of the Crown Proceedings Act 1947) or of a visiting force (within the meaning of the Visiting Forces Act 1952) who may be located in the area only because of their duty as such.

6. References in this Schedule to a county, in relation to a small burgh or a landward area, are references to the county in which the small burgh or, as the case may be, the landward area is situated, excluding any large burgh situated in the county.

SCHEDULE 3

REPEAL OF ENACTMENTS

PART I

Repeals taking effect on 16th May 1963

Session and Chapter	Short Title	Extent of Repeal
10 & 11 Geo. 6. c. 43.	Local Government (Scotland) Act 1947.	In section 243 the word "unlet", wherever it occurs.
15 & 16 Geo. 6 & 1 Eliz. 2. c. 47.	Rating and Valuation (Scotland) Act 1952.	In section 6, in subsection (1) the words "section two of the Lands Valuation (Scotland) Act 1857, or under".
2 & 3 Eliz. 2 c.13.	Local Government (Financial Provisions) (Scotland) Act 1954.	In section 1, subsections (2) and (3); in section 2, subsections (1) and (2) and in subsection (3) the words "this and"; sections 4, 5 and 7.
4 & 5 Eliz. 2. c. 60.	Valuation and Rating (Scotland) Act 1956.	Section 15, except subsections (6),(7) and (8) thereof; sections 25 and 27; in Schedule 4, paragraphs 2, 7 and 8, and in paragraph 3 the words "and subject to the provisions of paragraph 8 thereof"; and Schedule 5.
6 & 7 Eliz. 2. c. 64.	Local Government and Miscellaneous Financial Provisions (Scotland) Act 1958.	In section 7, subsections (6), (7) and (8); section 9, in section 21, in subsection (3), from the beginning of the subsection to the word "Act" where it first occurs; and in Schedule 2, paragraph 6.

PART II

Repeals taking effect on 16th May 1966

Session and Chapter	Short Title	Extent of Repeal
19 & 20 Geo. 5. c. 25.	Local Government (Scotland) Act 1929.	Section 45; and in section 47, subsection (4).
4 & 5 Eliz. 2. c. 60.	Valuation and Rating (Scotland) Act 1956.	In section 6, in subsection (9), the words "save as provided in section forty-five of the Local Government (Scotland) Act 1929"; and section 32.
6 & 7 Eliz. 2. c. 64.	Local Government and Miscellaneous Financial Provisions (Scotland) Act 1958.	In section 7, subsection (1).

Table of Statutes referred to in this Act

Short Title	Chapter
Lands Valuation (Scotland) Act 1854	17 & 18 Vict. c. 91.
Lands Valuation (Scotland) Act 1857	20 & 21 Vict. c. 58.
Valuation of Lands (Scotland) Amendment Act 1879	42 & 43 Vict. c. 42.
Local Government (Scotland) Act 1929	19 & 20 Geo. 5. c. 25.
Rural Water Supplies and Sewerage Act 1944	7 & 8 Geo. 6. c. 26.
Local Government (Scotland) Act 1947	10 & 11 Geo. 6. c. 43.
Crown Proceedings Act 1947	10 & 11 Geo. 6. c. 44.
Local Government Act 1948	11 & 12 Geo. 6. c. 26.
Housing (Scotland) Act 1950	14 Geo. 6. c. 34.
Rating and Valuation (Scotland) Act 1952... ..	15 & 16 Geo. 6. and 1 Eliz. 2. c. 47.
Visiting Forces Act 1952	15 & 16 Geo. 6. and 1 Eliz. 2. c. 67.
Local Government (Financial Provisions) (Scotland) Act 1954.	2 & 3 Eliz. 2. c. 13.
Mines and Quarries Act 1954	2 & 3 Eliz. 2. c. 70.
Rural Water Supplies and Sewerage Act 1955	3 & 4 Eliz. 2. c. 13.
Valuation and Rating (Scotland) Act 1956... ..	4 & 5 Eliz. 2. c. 60.
Local Government and Miscellaneous Financial Provisions (Scotland) Act 1958.	6 & 7 Eliz. 2. c. 64.
Local Government (Financial Provisions, etc.) (Scotland) Act 1962.	10 & 11 Eliz. 2. c. 9.
Housing (Scotland) Act 1962	10 & 11 Eliz. 2. c. 28.
Transport Act 1962	10 & 11 Eliz. 2. c. 46.

1963 CHAPTER 13

An Act to authorise the Minister of Health to make regulations as to the conduct of nursing homes; and to repeal section 192 of the Public Health Act 1936 and section 246 of the Public Health (London) Act 1936.

[15th May 1963]

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 Health may make regulations as to the conduct of nursing homes within the meaning of Part VI of the Public Health Act 1936 and Part XI of the Public Health (London) Act 1936, and such regulations may in particular—

Regulations for nursing homes.
26 Geo. 5 & 1 Edw. 8. c. 49.
26 Geo. 5 & 1 Edw. 8. c. 50.

(a) make provision as to the facilities and services to be provided in such homes;

- (b) empower the local authority responsible for the registration of any such home under the said enactments to limit the number of persons, or persons of any description, who may be received into the home, and enable registration of any such home to be made subject to the condition that persons shall not be received therein in excess of the number fixed for the home in accordance with the regulations ;
- (c) provide that a contravention of, or failure to comply with, any specified provision of the regulations shall be an offence against the regulations ; and
- (d) empower local authorities responsible for the registration of any such homes to institute proceedings against any person for such an offence.

(2) Any person guilty of an offence against regulations under this section shall be liable on summary conviction, in the case of a first offence, to a fine not exceeding five pounds, and, in the case of a second or subsequent offence, to a fine not exceeding twenty pounds ; and without prejudice to the foregoing provision, the power to cancel the registration of a person in respect of a nursing home under section 188 of the Public Health Act 1936 and under section 242 of the Public Health (London) Act 1936 shall include power to cancel the registration of any person on the ground that he has been convicted of such an offence.

(3) Where an offence against regulations under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(4) The power to make regulations under this section shall be exercisable by statutory instrument, and any statutory instrument made by virtue of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) Nothing in this section shall affect mental nursing homes within the meaning of the Mental Health Act 1959, or nursing homes exempted under section 193 of the Public Health Act 1936 or section 247 of the Public Health (London) Act 1936 (Christian Science nursing homes).

7 & 8 Eliz. 2. c.
72.

Repeal of
exemptions
for voluntary
institutions.

2. Section 192 of the Public Health Act 1936 and section 246 of the Public Health (London) Act 1936 (which enable certain institutions not carried on for profit to be exempted from the

provisions of those Acts relating to nursing homes) shall cease to have effect on the expiration of the period of twelve months beginning with the passing of this Act.

3.—(1) This Act may be cited as the Nursing Homes Act 1963. Short title
and extent.

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

1963 CHAPTER 14

An Act to make further provision for the apportionment and redemption of corn rents and other payments wholly or partly payable in lieu of tithes and for the extinguishment thereof in certain cases; to transfer to the Treasury the functions of the Minister of Agriculture, Fisheries and Food under subsection (2) of section 30 of the Tithe Act 1936; and for purposes connected with the matters aforesaid. [15th May 1963]

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 Commissioners of Inland Revenue (hereinafter referred to as "the Commissioners") may by a scheme made by them make provision for the apportionment and redemption of corn rents and other payments for which provision was made by section 30 (1) of the Tithe Act 1936; and a scheme under this section (hereinafter referred to as "a scheme") shall have effect in lieu of the said section 30 (1). Power to
make scheme
for apportion-
ment,
redemption,
etc., of corn
rents.

26 Geo. 5 &
1 Edw. 8. c. 43.

(2) A scheme may apply to such additional payments, being payments which by virtue of an enactment or by custom are charged on or otherwise payable in relation to land wholly or partly in lieu of tithes, as the Commissioners think fit.

(3) As respects payments such as are mentioned in subsection (1) or (2) of this section (hereinafter referred to as "rents") a scheme may include provision for the extinguishment thereof in cases where—

- (a) a rent has been redeemed, or
- (b) a person is entitled in the same capacity both to the rent and to the land in respect of which it is payable, or
- (c) all persons having an interest either in the rent or the land in respect of which it is payable agree to its extinguishment.

(4) A scheme, in regulating the redemption of rents, shall provide that a rent is not to be redeemed otherwise than on the application or with the consent of the person who, under the scheme, would be liable to defray the consideration money:

Provided that the scheme may enable the consent of that person to be dispensed with where the amount payable by him or his predecessor in title in respect of the rent in the calendar year immediately preceding the year in which redemption is proposed did not exceed forty shillings, or where the land in respect of which the rent is payable is, or is about to be, divided into plots.

(5) A scheme may in particular (but without prejudice to the generality of this section)—

(a) include provisions reproducing, with such modification as the Commissioners think fit, the effect of any of those enactments comprised in the Tithe Acts 1836 to 1925 which were applied to corn rents and other payments by section 30 (1) of the Tithe Act 1936;

(b) apply to matters arising in connection with or in consequence of the redemption of a rent any enactments having effect in relation to matters arising in connection with or in consequence of the redemption of tithe rentcharge (as defined by section 47 of the Tithe Act 1936);

14 Geo. 6. c. 27.

(c) apply provisions of the Arbitration Act 1950, with or without modification, for the purposes of proceeding under the scheme;

(d) provide for the payment of fees to the Commissioners in connection with proceedings under the scheme.

(6) A scheme may be revoked or amended by a subsequent scheme.

(7) Any power conferred by this section to make a scheme shall be exercisable by statutory instrument; and a statutory instrument containing a scheme shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Transfer to Treasury of certain functions as to extinguishment of corn rents.

2. Section 30 (2) of the Tithe Act 1936 (which empowers the Minister of Agriculture, Fisheries and Food to provide for the extinguishment of corn rents and other payments either generally or in particular cases) shall have effect as if for references therein to the said Minister there were substituted references to the Treasury, and as if references therein which have effect as references to the Commissioners were omitted.

Short title, extent, repeal and savings.

3.—(1) This Act may be cited as the Corn Rents Act 1963.

(2) This Act shall extend to England and Wales only.

(3) This Act binds the Crown.

(4) With effect from the coming into operation of the first scheme under this Act, the enactments mentioned in the Schedule to this Act, being enactments superseded by this Act or otherwise spent or obsolete, are, so far as not repealed by any other enactment, hereby repealed to the extent specified in the third column of that Schedule.

(5) In section 191 (12) of the Law of Property Act 1925 (by 15 & 16 Geo. 5. which payments redeemable under the Tithe Acts 1836 to 1918 c. 20. are precluded from being redeemed or apportioned under that section) for the words "the Tithe Acts 1836 to 1918" there shall be substituted, with effect from the coming into operation of the first scheme under this Act, the words "the Corn Rents Act 1963".

(6) Proceedings under section 30 (1) of the Tithe Act 1936 in progress at the coming into operation of the first scheme under this Act may be continued and completed as if this Act had not passed.

(7) Nothing in this Act shall affect the operation of the Vicar's 40 & 41 Vict. Rate in Halifax Act 1877 or the Kendal Corn Rent Act 1932. c. iii.
22 & 23 Geo. 5.
c. lxiv.

SCHEDULE

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
6 & 7 Will. 4. c. 71.	The Tithe Act 1836.	Section 58. In section 71, the words from "Provided always" to the end. Section 72. In section 73, the words "or apportionment". Section 75. In section 76, the words "or apportionment". Sections 77, 78, 90, 91 and 95.
1 & 2 Vict. c. 64.	The Tithe Act 1838.	The whole Act.
2 & 3 Vict. c. 62.	The Tithe Act 1839.	The whole Act, except sections 1, 15 and 37.
3 & 4 Vict. c. 15.	The Tithe Act 1840.	The whole Act.
5 & 6 Vict. c. 54.	The Tithe Act 1842.	Section 5. Sections 13 to 16. In section 20, the words from "and all provisions in the said Acts" to the end.
9 & 10 Vict. c. 73.	The Tithe Act 1846.	The whole Act, except sections 9 and 23.

Session and Chapter	Short Title	Extent of Repeal
23 & 24 Vict. c. 93.	The Tithe Act 1860.	Sections 10 to 17. Sections 20 to 23. Sections 31 and 32. Sections 35 to 39. In section 40, the words from "and may also award a rent-charge" to the end. Section 41.
31 & 32 Vict. c. 89.	The Inclosure, &c., Expenses Act 1868.	The whole Act, so far as it applies in relation to any other Act comprised in the Tithe Acts 1836 to 1951.
41 & 42 Vict. c. 42.	The Tithe Act 1878.	The whole Act.
48 & 49 Vict. c. 32.	The Tithe Rentcharge Redemption Act 1885.	The whole Act.
8 & 9 Geo. 5. c. 54.	The Tithe Act 1918.	The whole Act, except sections 4 (2) and 11 (1).
15 & 16 Geo. 5. c. 87.	The Tithe Act 1925.	Sections 5, 8, 10 (2), 18, 19, 21 and 22.
26 Geo. 5 & 1 Edw. 8. c. 43.	The Tithe Act 1936.	Sections 30 (1) and 32 (1). Schedule 6.
14 & 15 Geo. 6. c. 62.	The Tithe Act 1951.	Section 8 (1). Section 10 (1), (2), (7) and (8). Section 12 (3) and (4). Schedule 2.

1963 CHAPTER 15

An Act to authorise the Board of Trade to make advances to Wiggins, Teape & Co. Limited in connection with the construction and equipment of pulp and paper mills in the neighbourhood of Fort William, and to make grants to that company in respect of interest on such advances. [15th May 1963]

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 the present Parliament assembled, and by the authority of the same, as follows:—

Power of Board to make advances, and grants in respect of interest on advances.

1.—(1) The Board of Trade may from time to time advance by way of loan to Wiggins, Teape & Co. Limited (in this Act referred to as the Company) sums not exceeding £10 million in all for the purpose of the construction and equipment of pulp and paper mills in the neighbourhood of Fort William in the county of Inverness.

(2) Sums advanced under subsection (1) above shall carry interest at 5½ per cent. per annum, and subject thereto shall be advanced at such times, and on such terms as to repayment and otherwise, as may be agreed upon between the Board and the Company; but no sums shall be advanced under that subsection after 31st December 1972.

(3) The Board of Trade may from time to time make grants to the Company in respect of the liability of the Company for interest on sums advanced under subsection (1) above, being interest accruing before 1st January 1967, of such amounts not exceeding £1·3 million in all as may be agreed upon as aforesaid.

(4) A copy of any agreement made between the Board and the Company with respect to the making of advances or grants under this section shall be laid before each House of Parliament.

(5) There shall be paid out of moneys provided by Parliament all sums required by the Board of Trade for making advances or grants under this section; and all sums received by the Board by way of interest on or repayment of advances under this section shall be paid into the Exchequer.

(6) Section 24 of the Local Employment Act 1960 (powers of Board of Trade) shall apply for the purposes of this section. ^{8 & 9 Eliz. 2. c. 18.}

2. This Act may be cited as the Fort William Pulp and Paper Mills Act 1963.

1963 CHAPTER 16

Protection of Depositors Act 1963

ARRANGEMENT OF SECTIONS

General provisions for protection of depositors

Section

1. Fraudulent inducement to invest on deposit.
2. General restriction of advertisements for deposits.
3. Regulations of Board of Trade as to advertisements.
4. Status of private companies which advertise for deposits.

Special accounting obligations of companies advertising for deposits

5. Accounts required before advertising.
6. Periodical accounts after advertising.
7. Termination of requirements as to periodical accounts.
8. Relaxation of requirements as to periodical accounts.
9. Application to advertisements issued before appointed day.
10. Special provisions as to newly incorporated companies.
11. Accounts to be supplied to depositors.
12. Change of business.
13. Regulations as to form of accounts and notices.
14. Default in respect of accounting obligations.
15. Falsification of accounts, etc.

Powers of Court and Board of Trade in respect of deposit-taking companies

Section

16. Winding up on petition of Board of Trade.
17. Power of court to order delivery of accounts.
18. Power of Board to require production of documents.
19. Entry and search of premises.
20. Provision for security of information.

Miscellaneous and General

21. Amendment of Prevention of Fraud (Investments) Act 1958.
22. Liability of directors, etc.
23. Criminal proceedings.
24. Functions of Board of Trade, fees and expenses.
25. Companies subject to this Act.
26. Definitions of deposit, advertisement, etc.
27. General interpretation.
28. Short title, commencement and extent.

An Act to penalise fraudulent inducements to invest on deposit; to restrict and regulate the issue of advertisements for deposits; to make special provision with respect to the accounts to be delivered by and the supervision of companies which issue such advertisements; to amend section 13 of the Prevention of Fraud (Investments) Act 1958; and for purposes connected with the matters aforesaid.

[10th July 1963]

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

General provisions for protection of depositors

Fraudulent inducement to invest on deposit.

1.—(1) Any person who, by any statement, promise or forecast which he knows to be misleading, false or deceptive, or by any dishonest concealment of material facts, or by the reckless making (dishonestly or otherwise) of any statement, promise or forecast which is misleading, false or deceptive, induces or attempts to induce another person—

(a) to invest money on deposit with him or with any other person, or

(b) to enter into or offer to enter into any agreement for that purpose,

shall be guilty of an offence, and liable on conviction on indictment to imprisonment for a term not exceeding seven years or to a fine, or to both.

(2) Nothing in this section shall be construed as empowering a court in Scotland, other than the High Court of Justiciary, to pass for any offence under this section a sentence of imprisonment for a term exceeding two years.

(3) In section 13 (1) (a) (i) of the Prevention of Fraud (Investments) Act 1958, the words "or lending or depositing money to or with any industrial and provident society or building society" are hereby repealed.

2.—(1) Subject to the following provisions of this section, no person shall, after the commencement of this Act, issue any advertisement inviting the public to deposit money with him. General restriction of advertisements for deposits.

(2) This section does not apply to any advertisement with respect to investments of any description falling within Schedule 1 to the Trustee Investments Act 1961, nor to any advertisement with respect to deposits of any description to be made with any banking or discount company within the meaning of paragraph 23 of Schedule 8 to the Companies Act 1948, or with any building society, friendly society or industrial and provident society.

(3) This section does not apply to any advertisement with respect to deposits to be made with a company incorporated in, or having an established place of business in, Great Britain, if the advertisement complies with regulations made by the Board of Trade under section 3 (1) (a) and any accounts required by this Act to be delivered by the company before the issue of the advertisement are duly delivered.

(4) This section does not apply—

(a) to an advertisement with respect to deposits of any such class as may be prescribed by regulations made by the Board of Trade under section 3 (1) (b); or

(b) to any advertisement (not being an advertisement with respect to deposits to be made with any such company as is mentioned in subsection (3)) which is issued with the permission in writing of the Board;

and any permission for the purposes of paragraph (b) may be granted in respect of a particular advertisement or in respect of advertisements of any specified class issued by a particular person, and subject to such conditions, if any, as the Board think fit.

(5) Any person who issues an advertisement in contravention of this section shall be guilty of an offence and liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both;

- (b) on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding two hundred pounds, or to both :

Provided that a person who in the ordinary course of his business issues an advertisement to the order of another person, being an advertisement the issue of which by that other person constitutes an offence under this section, shall not himself be guilty of the offence if he proves that the matters contained in the advertisement were not (wholly or in part) devised or selected by him or by any person under his direction or control.

Regulations of Board of Trade as to advertisements.

3.—(1) The Board of Trade may by statutory instrument make regulations—

- (a) for prescribing the matters which must or must not be included in any advertisement which is to qualify for exemption under subsection (3) of section 2, and generally for regulating the form of such advertisements ;
- (b) for exempting from that section advertisements with respect to deposits of such classes as may be prescribed by the regulations subject to such conditions, if any, as may be so prescribed.

(2) Regulations under this section may make different provision in relation to advertisements of different classes or descriptions.

(3) Any statutory instrument made by virtue of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Status of private companies which advertise for deposits.

4. If an advertisement for deposits is issued after the commencement of this Act by a private company, the company shall, so long as the provisions of this Act as to periodical accounts apply to the company, be deemed not to be a private company for the purposes of the following provisions of the Companies Act 1948, that is to say :—

- (a) section 31, section 222 (d) and paragraph (a) of the proviso to section 224 (1) (several liability of members, power of the court to wind up, and power of contributors to petition for winding up, on reduction of number of members below the statutory minimum) ;
- (b) section 129 (exemption from requirements of section 127 as to documents to be annexed to annual return) ;
- (c) section 161 (1) and (2) (qualification of auditors) ;
- (d) section 176 (number of directors) ; and
- (e) section 190 (1) (prohibition of loans to directors).

*Special accounting obligations of companies advertising
for deposits*

5.—(1) Before any advertisement for deposits is issued by any company after the appointed day, the company shall deliver to the Registrar and the Board of Trade accounts complying with the requirements of this section. Accounts required before advertising.

(2) The accounts required under this section in connection with an advertisement for deposits are—

(a) in every case, audited accounts comprising—

(i) a balance sheet dated not more than fifteen months before the date on which the advertisement is issued, and

(ii) a profit and loss account for the period between the date of that balance sheet and that of the last relevant balance sheet which was dated not less than six months before that date ; and

(b) where the date of the balance sheet comprised in the accounts delivered for the purposes of paragraph (a) is more than nine months before the date on which the advertisement is issued, interim accounts comprising—

(i) a balance sheet dated not less than six months after the date of the first-mentioned balance sheet, and

(ii) a profit and loss account for the period between the dates of those balance sheets.

(3) In this section “ relevant balance sheet ” means a balance sheet comprised in accounts delivered by the company for the purposes of any provision of this Act requiring the delivery of audited accounts or, where no such balance sheet has been so delivered, an audited balance sheet laid before the company in general meeting.

(4) Within fourteen days after the first occasion after the appointed day on which an advertisement for deposits is issued by a company which has delivered the accounts required by this section, the company shall deliver to the Registrar and the Board of Trade a notice specifying the date on which the advertisement was issued.

6.—(1) Every company which issues an advertisement for deposits after the appointed day shall from time to time (unless and until this section ceases to apply to the company under the following provisions of this Act) deliver to the Registrar and the Board of Trade accounts complying with the requirements of this section. Periodical accounts after advertising.

(2) The accounts required to be delivered by a company to which this section applies are—

(a) audited accounts, each comprising—

(i) a balance sheet dated twelve months after the date of the balance sheet last delivered by the company for the purposes of any provision of this Act requiring the delivery of audited accounts, and

(ii) a profit and loss account for the period between the dates of those balance sheets ; and

(b) interim accounts, each comprising—

(i) a balance sheet dated six months after the date of the balance sheet last delivered as aforesaid, and

(ii) a profit and loss account for the period between the dates of those balance sheets ;

and those accounts shall be delivered, in the case of the audited accounts described in paragraph (a), within fifteen months, and in the case of the interim accounts described in paragraph (b), within nine months, of the date of the balance sheet last delivered as aforesaid.

(3) Where this section applies to a company by virtue of the issue of an advertisement for deposits but no accounts complying with section 5 have been delivered by the company, the dates of the balance sheets to be comprised in the first accounts required by paragraph (a) and paragraph (b) of subsection (2) respectively, the periods for which the profit and loss accounts comprised in those accounts are to be made up, and the times within which those accounts are to be delivered, shall be such as the Board of Trade may direct.

(4) For the purposes of this section a balance sheet shall be treated as dated in accordance with paragraph (a) or paragraph (b) of subsection (2) if dated within seven days before or after the date prescribed by that paragraph.

(5) The delivery of any accounts pursuant to this section shall, so far as those accounts comply with the requirements of section 5 in respect of any advertisement for deposits thereafter issued by the company, or would so comply if the balance sheet comprised therein were dated as required by this section apart from subsection (4), be sufficient compliance with section 5 in relation to that advertisement.

Termination of requirements as to periodical accounts.

7.—(1) If, throughout any period of fifteen months, a company to which section 6 applies has issued no advertisement for deposits and has retained no money deposited with the company, the company may deliver a notice to that effect to the Registrar and the Board of Trade ; and thereupon section 6 shall cease to apply to the company.

(2) Without prejudice to subsection (1), a company to which section 6 applies may at any time deliver to the Registrar and the Board of Trade a notice stating that the issue of advertisements for deposits will be discontinued as from the delivery of the notice; and if no such advertisement is issued by the company during the period of three years after the date of delivery of the notice, section 6 shall cease to apply to the company at the expiration of that period or, if the company then retains any deposit which—

(a) was made before the delivery of the notice; and

(b) has not become repayable within the said period,

as soon as all such deposits have become repayable.

(3) Where a notice is delivered by a company under subsection (2), it shall be the duty of the company to give notice in writing to that effect (including a statement of the effect of that subsection)—

(a) within six months after the delivery of the first-mentioned notice, to all persons appearing to the company to be persons who then were and have not ceased to be depositors with the company; and

(b) before accepting, at any time within the period of three years mentioned in subsection (2), a deposit from any person to whom notice under this subsection has not already been given, to that person;

and if the notice required by paragraph (b) is not given in the case of any deposit, the deposit shall, notwithstanding anything to the contrary in the terms on which it was made, be repayable on demand.

(4) Nothing in this section shall affect the application of section 6 to any company which, after that section has ceased to apply by virtue of this section, issues a further advertisement for deposits; and in relation to the first such advertisement issued by such a company—

(a) the reference in section 5 to the last relevant balance sheet shall be construed as a reference to the audited balance sheet last delivered under section 6 (2) (a), or last laid before the company in general meeting, whichever is the later; and

(b) subsection (4) of section 5 shall apply as if no advertisement for deposits had previously been issued by the company.

(5) For the purposes of this section a deposit shall be deemed to have become repayable on the earliest date on which the depositor could have called for repayment if he had exercised all options or rights available to him.

(6) Any notice required to be given to any person under subsection (3) shall be deemed to have been given to that person if sent to him by post at his last known address.

Relaxation of requirements as to periodical accounts.

8.—(1) If it appears to the Board of Trade, on application made by any company, that by reason of any of the following circumstances, that is to say:—

- (a) any scheme of reconstruction or amalgamation to which the company has been party ;
- (b) any alteration of the company's financial year effected for the purpose of complying with the requirements of section 153 of the Companies Act 1948 as to the financial years of holding companies and their subsidiaries ;
- (c) any requirements of the law of, or any exceptional circumstances existing or arising in, any country outside Great Britain in which the company carries on business ; or
- (d) any other exceptional circumstances affecting the production or audit of the company's accounts,

it would be impracticable or unduly onerous for the company to comply with the requirements of section 6 as to the date as at which or the period for which any accounts are to be made up, or the period within which they are to be delivered, the Board may by order relax any of those requirements with respect to those accounts.

(2) Where an order made under subsection (1) in the case of any company extends the period allowed by section 6 for delivering any such audited accounts or interim accounts as are described in paragraph (a) and paragraph (b) respectively of section 6 (2), then, unless the order includes a direction that this subsection is not to apply in relation to that order, section 5 (1) shall not apply to the company in respect of any advertisement issued during the extended period allowed by the order for delivering those accounts.

Application to advertisements issued before appointed day.

9.—(1) The following provisions of this section shall apply to any company which either—

- (a) has issued an advertisement for deposits within six months before the appointed day ; or
- (b) having issued such an advertisement within three years before that day, has retained at any time within three months before that day any money deposited with the company.

(2) On or before the appointed day, every such company shall deliver to the Registrar and the Board of Trade the like

accounts as would be required under section 5 if an advertisement for deposits were to be issued by the company immediately after that day; and section 6 shall apply in relation to any such company, as from that day, as if such an advertisement had been so issued.

(3) In relation to any company to which section 6 applies by virtue only of this section, the reference in section 7 (1) to any period of fifteen months shall include a reference to any such period beginning before and ending after the appointed day; and where the issue of advertisements by any such company has been discontinued before the appointed day, the company may, not later than one month after that day, deliver to the Registrar and the Board of Trade a notice to that effect, specifying the date from which the issue of such advertisements was discontinued, and subsections (2) and (3) of section 7 shall apply in relation to any such notice as they apply in relation to a notice under the said subsection (2) except that any reference to the period of three years after the delivery of the notice shall be construed—

- (a) in the said subsection (2), as a reference to the period of three years after the date specified in the notice; and
- (b) in the said subsection (3), as a reference to so much of that period as is unexpired at the date of the delivery of the notice.

10.—(1) Section 5 (1) shall not apply in relation to any advertisement for deposits issued by a company within nine months after the date of its incorporation if, before the date when that advertisement is issued—

Special provisions as to newly incorporated companies.

- (a) there has been delivered to the Registrar a prospectus or statement in lieu of prospectus complying with the requirements of the Companies Act 1948 or, in the case of a company which is not required by that Act to deliver such a prospectus or statement, a document complying with the requirements of section 48 of that Act with respect to the form and contents of, and the reports to be set out in, such a statement; and
- (b) a copy of that prospectus, statement or document has been delivered to the Board of Trade.

(2) A company which was incorporated within nine months before the appointed day shall not be required to deliver accounts under section 9 (2) by virtue of any advertisement for deposits issued before that day if, before that day, the conditions specified in paragraphs (a) and (b) of subsection (1) of this section have been complied with.

(3) Where an advertisement for deposits is or has been issued by a company within nine months after the date of its incorporation, and the requirements of section 5 (or of that section as applied by section 9 (2)) with respect to the delivery of accounts have not been complied with in respect of that or any other advertisement issued by the company, the company shall—

- (a) in any case, deliver to the Registrar and the Board of Trade before the end of those nine months audited accounts comprising a balance sheet dated six months after the date of its incorporation, and a profit and loss account for those six months ; and
- (b) except where section 9 applies to the company, deliver to the Registrar and the Board of Trade, within fourteen days after the first occasion after the appointed day on which an advertisement for deposits is issued by the company, the like notice as is required by section 5 (4) in the case of a company which has delivered the accounts required by that section.

(4) In any case where accounts are required to be delivered by a company under section 5 before an audited balance sheet has been delivered by the company under this Act or laid before the company in general meeting, the profit and loss account required by subsection (2) (a) of that section shall be an account for the period (not being less than six months) between the date of the balance sheet to be delivered thereunder and the date of the incorporation of the company.

Accounts to
be supplied
to depositors.

11.—(1) Subject to subsection (3), every company to which section 6 applies or to which that section has applied at any time during the previous six months shall, on receiving a deposit from any person, furnish him without charge with—

- (a) a copy of the last audited accounts delivered by the company under this Act and of any other accounts so delivered by the company since the delivery of those audited accounts ; or
- (b) if no such accounts have been so delivered, a copy of any prospectus, statement in lieu of prospectus or other document of which a copy has been delivered to the Board of Trade for the purposes of section 10 (1).

(2) Subject to subsection (3), any such company as aforesaid shall furnish a copy of the accounts or other document mentioned in subsection (1) on demand and without charge to any depositor with the company and to any other person who signifies to the company that he requires a copy of the accounts or document with a view to becoming a depositor with the company.

(3) A company shall not be required to furnish a copy of any accounts or other document under this section to any person to whom a copy of the accounts or document in question has already been furnished by the company and, without prejudice to the foregoing provision, a company shall not be required to furnish a copy of any accounts or other document—

(a) under subsection (1), on receiving a deposit from a person who is already a depositor with the company ;
or

(b) under subsection (2), to any person (not being a depositor with the company) to whom the company gives notice that it is unwilling to receive a deposit.

12.—(1) Subject to the provisions of this section, if any company to which section 6 applies, having issued after the commencement of this Act an advertisement for deposits describing the business or any particular business carried on or proposed to be carried on by the company, thereafter carries on any business not described in that advertisement and not being a business of the same character as a business so described, any deposit to which this section applies shall, notwithstanding anything to the contrary in the terms on which it was made, be repayable on demand. Change of business.

(2) Within fourteen days after a deposit made with any company becomes repayable under this section in consequence of the carrying on by the company of any business, the company shall give notice in writing to the person appearing to the company to be entitled to repayment, describing the business in question and informing him of his right to demand repayment under this section.

(3) The deposits to which this section applies, in relation to any advertisement issued by a company, are all deposits made with the company after the date on which the advertisement is first issued and before the expiration of fourteen days after the date on which accounts comprising particulars of the business in question are next delivered by the company under this Act ; but a deposit shall not be repayable under this section in consequence of the carrying on by a company of any business—

(a) if, before the deposit is made, the company has given notice in writing describing the business in question to the person making the deposit ; or

(b) if, before the business in question is commenced, the company has given notice in writing to the depositor describing that business and the depositor has not within such period as may be specified for that purpose in the notice (not being less than fourteen days) signified to the company in writing his intention of demanding repayment if the business is commenced ;
or

(c) if the notice given in respect of the deposit under subsection (2) specifies a period (not being less than fourteen days) within which a demand for repayment may be made by virtue of this section and no such demand is made within that period.

(4) Any notice under this section shall be deemed to have been given to a person if sent to him by post at his last known address.

(5) For the purposes of this section a company shall be treated as carrying on any business carried on by any company which is a subsidiary of that company.

Regulations
as to form
of accounts
and notices.

13.—(1) The Board of Trade may by statutory instrument make regulations with respect to the form and contents of the accounts to be delivered in pursuance of the foregoing provisions of this Act, the statements, reports or other documents to be annexed to such accounts, and the auditing of such accounts; and except where the context otherwise requires, any reference in this Act to such accounts shall be construed as including a reference to any statements, reports or other documents required to be annexed thereto.

(2) The Board of Trade may by statutory instrument make regulations with respect to the form of any notice required or authorised to be delivered or given under the foregoing provisions of this Act.

(3) Regulations under subsection (1) shall include among the statements to be annexed to the accounts of a company a statement containing such particulars as may be prescribed by the regulations with respect to the business carried on by the company, and any subsidiary of the company, during the period to which those accounts relate.

(4) Regulations under subsection (1) shall apply, with such exceptions, additions or other modifications as may be prescribed by the regulations, all or any of the provisions of the Companies Act 1948 with respect to the accounts required by Part IV of that Act to be laid before a company in general meeting; but except so far as provided by such regulations, the said provisions of that Act shall not apply to the accounts to be delivered under this Act.

(5) Regulations under subsection (1) may, for the purpose of securing more accurate information, require that the interim accounts to be delivered under section 5 or section 6 by companies to which those sections apply, or by any class or description of such companies, shall be audited accounts; but such regulations shall not affect the date as at which or the period for which any accounts required by those sections are to be made up or the period within which they are to be delivered.

(6) A draft of any regulations to be made under subsection (1) shall be laid before Parliament, and the regulations shall not be made unless the draft has been approved by a resolution of each House of Parliament.

(7) The documents required by section 127 of the Companies Act 1948 to be annexed to the annual return made by a company shall not include copies of any accounts delivered to the Registrar and the Board of Trade under this Act.

14. Any company which makes default in complying with any requirement of this Act as to the delivery to the Registrar or the Board of Trade of any accounts or notice, in furnishing any accounts or other document required to be furnished under section 11, or in giving any notice required by section 7 (3) or section 12 (2), shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding two hundred pounds.

Default in respect of accounting obligations.

15.—(1) Subject to subsection (3), if any person, being an officer of a company—

Falsification of accounts, etc.

- (a) causes or permits to be included in any account, notice or other document required or authorised by or under this Act to be delivered to the Registrar or the Board of Trade any statement which, to his knowledge, is false in a material particular ;
- (b) conceals, destroys, mutilates or falsifies, or is privy to the concealment, destruction, mutilation or falsification of, any document affecting or relating to the property or affairs of the company and containing information which is or may be required to be furnished under this Act ;
- (c) makes or is privy to the making of any false entry in any such document ; or
- (d) fraudulently parts with, alters or makes any omission in, or is privy to the fraudulent parting with, altering or making any omission in, any such document,

he shall be guilty of an offence under this section.

(2) A person guilty of an offence under this section shall be liable—

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

(3) In proceedings against any person for an offence under subsection (1) (b) or (c), it shall be a defence to prove that he had no intent to conceal the state of affairs of the company or to defeat the law.

Powers of Court and Board of Trade in respect of deposit-taking companies

Winding up
on petition
of Board of
Trade.

16.—(1) The court may, on a petition presented by the Board of Trade by virtue of this section, wind up under the Companies Act 1948 any company to which section 6 applies, or to which that section has applied at any time during the six months preceding the presentation of the petition, if—

- (a) the company is unable to pay sums due and payable to its depositors, or is able to pay such sums only by obtaining additional deposits or by defaulting in its obligations to its other creditors ; or
- (b) the value of the company's assets is less than the amount of its liabilities ; or
- (c) default has been made by the company in complying with any requirement of this Act as to the delivery of accounts ; or
- (d) the company has failed to comply with the requirements of section 147 of the Companies Act 1948 (books of account) or to produce books kept pursuant to that section, and the Board are unable to ascertain the financial position of the company.

(2) A company which has been served with a winding-up petition presented by the Board of Trade under this section shall not without the consent of the court while any proceedings on the petition are pending—

- (a) accept deposits from any person ; or
- (b) make any payment directly or indirectly to or for the benefit of any person who is, or was at the date of the presentation of the petition, an officer of the company.

(3) If any deposit is accepted or any payment made in contravention of subsection (2), the company shall be guilty of an offence, and shall be liable, on conviction on indictment or on summary conviction, to a fine which, on summary conviction, shall not exceed two hundred pounds.

(4) Notwithstanding any rule of law, any sum deposited or paid in contravention of subsection (2) may be recovered by the depositor or the company, as the case may be, as money had and received or, in Scotland, as a debt.

(5) In determining for the purposes of this section whether the value of a company's assets is less than the amount of its liabilities, account shall be taken of contingent and prospective liabilities of the company.

(6) Notwithstanding section 399 (2) of the Companies Act 1948, an unregistered company having a principal place of business situate in Northern Ireland may be wound up by virtue

of this section if it has an established place of business in Great Britain.

17.—(1) If any company, having made default in complying with any requirement of this Act as to the delivery of accounts, fails to make good the default within fourteen days after the service of a notice on the company requiring it to do so, the court may on the application of the Registrar or of the Board of Trade make an order—

Power of court to order delivery of accounts.

- (a) directing the company and any officer thereof to make good the default within such time as may be specified in the order ;
- (b) if the court thinks fit, prohibiting the acceptance of deposits with the company until the default is made good ;
- (c) ordering the costs to be paid by any persons who, in the opinion of the court, are responsible for the default.

(2) If, on an application by the Registrar or the Board of Trade for an order under subsection (1) in respect of any default, it appears to the court that the default is incapable of being made good, the court may, in lieu of making an order under that subsection, order the company to be wound up.

(3) Nothing in this section shall be taken to prejudice the operation of any provision of this Act imposing penalties on a company or its officers in respect of any such default as aforesaid.

18.—(1) For the purposes of securing compliance with the provisions of this Act, or of determining whether or not the Board of Trade should exercise any of their powers under this Act or their power of investigation under section 165 of the Companies Act 1948, the Board shall have power to give directions to any company being—

Power of Board to require production of documents.

- (a) a company which appears to the Board to be a company to which section 6 applies or to which that section has applied at any time during the previous six months ;
- (b) a company which is a subsidiary of such a company as aforesaid ;
- (c) a company whose affairs appear to the Board to be so connected with those of such a company as is mentioned in paragraph (a) of this subsection as to affect materially the question whether the conditions described in paragraph (a) or paragraph (b) of section 16 (1) apply in the case of the last-mentioned company, requiring the company, at such time and place as may be specified in the directions, to produce such books or papers as may be so specified.

(2) Any officer of the Board of Trade duly authorised in that behalf shall have power, on producing (if required to do so) evidence of his authority, to require any such company as aforesaid to produce to him forthwith any books or papers which the officer may reasonably require for any of the purposes mentioned in subsection (1).

(3) Where by virtue of the preceding provisions of this section the Board of Trade, or an officer of the Board, has power to require the production of any books or papers from any company, the Board or officer shall have the like power to require the production of those books or papers from any person who appears to the Board or officer to be in possession of those books or papers: but where any such person claims a lien on books or papers produced by him, the production shall be without prejudice to the lien.

(4) Any power conferred by this section to require a company or other person to produce books or papers shall include power—

(a) if the books or papers are produced—

(i) to take copies of them or extracts from them, and

(ii) to require that person, or any other person who is a present or past officer of, or is employed by, the company in question, to provide an explanation of any of them ;

(b) if the books or papers are not produced, to require the person who was required to produce them to state, to the best of his knowledge and belief, where they are.

(5) If any requirement to produce books or papers or provide an explanation or make a statement which is imposed by virtue of this section is not complied with, the company or other person on whom the requirement was so imposed shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding two hundred pounds, or to both :

Provided that where a person is charged with an offence under this subsection in respect of a requirement to produce any books or papers, it shall be a defence to prove that they were not in his possession or under his control and that it was not reasonably practicable for him to comply with the requirement.

Entry and search of premises.

19.—(1) If a justice of the peace is satisfied on information on oath laid by an officer of the Board of Trade, or laid under the authority of the Board, that there are reasonable grounds for suspecting that there are on any premises any books or papers of which production has been required by virtue of section 18

and which have not been produced in compliance with that requirement, the justice may issue a warrant authorising any constable, together with any other persons named in the warrant and any other constables, to enter the premises specified in the information (using such force as is reasonably necessary for the purpose) and to search the premises and take possession of any books or papers appearing to be such books or papers as aforesaid, or to take in relation to any books or papers so appearing any other steps which may appear necessary for preserving them and preventing interference with them.

(2) Every warrant issued under this section shall continue in force until the end of the period of one month after the date on which it is issued.

(3) Any books or papers of which possession is taken under this section may be retained for a period of three months or, if within that period there are commenced any proceedings for an offence under this Act to which they are relevant, until the conclusion of those proceedings.

(4) Any person who obstructs the exercise of any right of entry or search conferred by virtue of a warrant under this section, or who obstructs the exercise of any rights so conferred to take possession of any books or papers, shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding two hundred pounds, or to both.

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

20.—(1) No information or document relating to a company which has been obtained under section 18 or section 19 shall, without the previous consent in writing of that company, be published or disclosed, except to the Board of Trade or an officer of the Board or an inspector appointed under the Companies Act 1948 by the Board, unless the publication or disclosure is required—

Provision for security of information.

- (a) for the purposes of any proceedings arising out of this Act (including proceedings under section 19) or the Companies Act 1948, or of any criminal proceedings whether so arising or not, or for the purposes of a report of any such proceedings; or
- (b) for the purpose of complying with any requirement, or exercising any power, imposed or conferred by the Companies Act 1948 with respect to reports made by inspectors appointed as aforesaid.

(2) Any person who publishes or discloses any information or document in contravention of this section shall be guilty of an offence and liable—

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

Miscellaneous and general

Amendment of
Prevention
of Fraud
(Investments)
Act 1958.

21.—(1) Subsection (1) of section 13 of the Prevention of Fraud (Investments) Act 1958 (penalty for fraudulently inducing persons to invest money) shall be amended as follows—

- (a) after the words “the reckless making” there shall be inserted the words “(dishonestly or otherwise)”;
- (b) for paragraph (b) there shall be substituted the following paragraph—

“(b) to take part or offer to take part in any arrangements with respect to property other than securities, being arrangements the purpose or effect, or pretended purpose or effect, of which is to enable persons taking part in the arrangements (whether by becoming owners of the property or any part of the property or otherwise) to participate in or receive profits or income alleged to arise or to be likely to arise from the acquisition, holding, management or disposal of such property, or sums to be paid or alleged to be likely to be paid out of such profits or income.”

(2) In the proviso to subsection (3) of section 14 of the said Act of 1958, for the words from “any arrangements” to the end there shall be substituted the words “any such arrangements as are mentioned in paragraph (b) of subsection (1) of the last preceding section”.

Liability of
directors, etc.

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

(2) A director or other officer of a company who, by virtue of this section, is guilty of an offence under section 14 or section 16 (3) committed by the company shall be liable—

- (a) on conviction of an offence under section 14, or on summary conviction of an offence under section 16 (3), to imprisonment for a term not exceeding three months;

(b) on conviction on indictment of an offence under section 16 (3), to imprisonment for a term not exceeding two years,

in addition to or in lieu of the fine to which he is liable.

(3) For the purposes of this section, a person shall be deemed to be a director of a body corporate if he occupies in relation thereto the position of a director, by whatever name called, or is a person in accordance with whose directions or instructions the directors of the company or any of them act:

Provided that a person shall not, by reason only that the directors of a body corporate act on advice given by him in a professional capacity, be taken to be a person in accordance with whose directions or instructions those directors act.

23.—(1) No proceedings for an offence under this Act shall be instituted in England and Wales except by or with the consent of the Director of Public Prosecutions or the Board of Trade. Criminal proceedings.

(2) Summary proceedings for any offence under this Act may (without prejudice to any jurisdiction exercisable apart from this subsection) be taken against a body corporate at any place at which the body has a place of business, and against any other person at any place at which he is for the time being.

(3) Notwithstanding anything in section 104 of the Magistrates' Courts Act 1952, any information relating to an offence under this Act which is triable by a magistrates' court in England and Wales may be so tried if it is laid at any time within three years after the commission of the offence and within twelve months after the date on which evidence sufficient in the opinion of the Director of Public Prosecutions or the Board of Trade, as the case may be, to justify the proceedings comes to his or their knowledge.

(4) Notwithstanding anything in section 23 of the Summary Jurisdiction (Scotland) Act 1954, proceedings in Scotland for an offence against this Act may be commenced at any time within three years after the commission of the offence and within twelve months after the date on which evidence sufficient in the opinion of the Lord Advocate to justify the proceedings comes to his knowledge.

(5) For the purposes of this section, a certificate of the Director of Public Prosecutions, the Lord Advocate or the Board of Trade, as the case may be, as to the date on which such evidence as aforesaid came to his or their knowledge shall be conclusive evidence.

24.—(1) Anything required or authorised by or under this Act to be done by, to or before the Board of Trade may be done by, to or before the President of the Board, any Minister Functions of Board of Trade, fees and expenses

of State with duties concerning the affairs of the Board, any secretary, under-secretary or assistant secretary of the Board or any person authorised in that behalf by the President.

(2) There shall be paid to the Registrar, for the registration of any such accounts, notice or other document delivered to him under this Act as may be prescribed by regulations made by the Board of Trade by statutory instrument, a fee of five shillings.

(3) Any administrative expenses incurred by the Board of Trade in consequence of the provisions of this Act shall be defrayed out of moneys provided by Parliament; and all fees received by the Registrar under this section shall be paid into the Exchequer.

Companies
subject to
this Act.

25.—(1) Subject to the provisions of this section, the expression “company” means in this Act—

- (a) a company formed and registered under the Companies Act 1948;
- (b) an existing company within the meaning of that Act;
- (c) a body corporate incorporated in and having a principal place of business in Great Britain, being a body to which any provisions of the said Act of 1948 with respect to prospectuses and allotments apply by virtue of section 435 of that Act; or
- (d) a body corporate incorporated outside Great Britain.

(2) References in this Act to a company do not include references to any banking or discount company within the meaning of paragraph 23 of Schedule 8 to the Companies Act 1948.

(3) Regulations made under paragraph (b) of subsection (1) of section 3 may direct that all or any of the provisions of this Act which apply to a company in respect of or in consequence of the issue of an advertisement for deposits shall not apply to any company in respect of or in consequence of the issue of an advertisement (whether issued before or after the regulations come into force) of any class exempted by the regulations from section 2; and such regulations may include provision—

- (a) for requiring any company which, by virtue of the regulations, is exempt from the requirement to deliver accounts under this Act, to deliver a notice to that effect to the Registrar and to the Board of Trade; and
- (b) for applying subsection (4) of section 7 in relation to any such company which thereafter ceases to be so exempt.

26.—(1) In this Act “deposit” means a loan of money at interest, or repayable at a premium, but does not include—

Definitions of deposit, advertisement, etc.

(a) a loan to a company or other body corporate upon terms involving the issue of debentures or other securities ;
or

(b) a loan by a body corporate, firm or other person whose ordinary business includes the business of banking, or who carries on a business of such other class or description as may be prescribed by regulations of the Board of Trade ;

and references to the deposit of money or the investment of money on deposit shall be construed accordingly.

(2) For the purposes of this Act a company shall be taken to be retaining money deposited with the company if it owes any sum (whether on account of principal, interest or premium, and whether immediately payable or not) in respect of any such money.

(3) In this Act “advertisement” includes every form of advertising, whether in a publication or by the display of notices or by means of circulars or other documents or by an exhibition of photographs or cinematograph films, or by way of sound broadcasting or television, and references to the issue of an advertisement shall be construed accordingly ; and for the purposes of this Act an advertisement issued by any person by way of display or exhibition in a public place shall be treated as issued by him on every day on which he causes or permits it to be so displayed or exhibited.

(4) For the purposes of this Act an advertisement which contains information calculated to lead directly or indirectly to the deposit of money by the public shall be treated as an advertisement inviting the public to deposit money.

(5) For the purposes of this Act, an advertisement issued by any person on behalf of or to the order of another person shall be treated as an advertisement issued by that other person ; and for the purposes of any proceedings under this Act, an advertisement inviting the public to deposit money with a person specified in the advertisement shall be presumed, unless the contrary is proved, to have been issued by that person.

(6) The power of the Board of Trade to make regulations under subsection (1) shall be exercisable by statutory instrument ; and any statutory instrument made by virtue of that subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.

General interpretation.

27.—(1) In this Act the following expressions have the meanings hereby assigned to them respectively, that is to say:—

- “advertisement for deposits” means, in relation to any company, an advertisement inviting the public to deposit money with that company ;
- “the appointed day” means the last day of the period of six months after the date of the passing of this Act ;
- “audited accounts”, in relation to an exempt private company, means accounts audited by a person who would be qualified under the Companies Act 1948 for appointment as auditor of that company if it were not an exempt private company, and, in relation to any other company, means accounts audited by a person qualified under that Act for appointment as auditor of that company ;
- “building society” means any building society or Northern Ireland society within the meaning of the Building Societies Act 1962, and any unincorporated society to which section 125 of that Act applies ;
- “depositor” means a person entitled, or prospectively entitled, to repayment of a deposit, whether made by him or not ;
- “friendly society” means a society registered under the Friendly Societies Act 1896 or under that Act as it applies in Northern Ireland ;
- “industrial and provident society” means a society registered under the Industrial and Provident Societies Act 1893 or under that Act as it applies in Northern Ireland ;
- “profit and loss account” includes, in the case of a company not trading for profit, an income and expenditure account ;
- “the public” includes any section of the public, however selected, including, in relation to a company, a section selected as members or debenture holders of, or as depositors with, the company ;
- “the Registrar” means the registrar of companies as defined in the Companies Act 1948 ;

and other expressions defined in the Companies Act 1948 have the same meanings as in that Act.

(2) Any reference in this Act to a section, subsection, or paragraph not otherwise identified is a reference to that section of this Act, or to that subsection or paragraph of the section or subsection in which the reference occurs, as the case may be.

(3) Any reference in this Act to a period of time after or before a specified date or day is a reference to that period inclusive of the specified date or day, and any such reference to a period between two dates is a reference to the period excluding the first and including the second of those dates.

(4) For the purposes of this Act the date of a balance sheet shall be taken to be the date as at which the balance sheet is made up.

(5) Any reference in this Act to an enactment is a reference to that enactment as amended by or under any other enactment.

(6) Any reference in this Act to an enactment which the Parliament of Northern Ireland has power to amend is 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 modifications.

28.—(1) This Act may be cited as the Protection of Depositors Act 1963. Short title, commencement and extent.

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

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

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Table of Statutes referred to in this Act

Short Title	Chapter
Industrial and Provident Societies Act 1893 ...	56 & 57 Vict. c. 39.
Friendly Societies Act 1896	59 & 60 Vict. c. 25.
Companies Act 1948	11 & 12 Geo. 6. c. 38.
Magistrates' Courts Act 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 55.
Summary Jurisdiction (Scotland) Act 1954 ...	2 & 3 Eliz. 2. c. 48.
Prevention of Fraud (Investments) Act 1958 ...	6 & 7 Eliz. 2. c. 45.
Trustee Investments Act 1961	9 & 10 Eliz. 2. c. 62.
Building Societies Act 1962	10 & 11 Eliz. 2. c. 37.

1963 CHAPTER 17

Town and Country Planning Act 1963

ARRANGEMENT OF SECTIONS

Section

1. Amendments relating to development comprised in Town and Country Planning Act 1962, Schedule 3.
2. Amendments relating to development comprised in Town and Country Planning (Scotland) Act 1947, Schedule 3.
3. Financial provision.
4. Short title, commencement, construction and citation.

SCHEDULE—Condition treated as applicable to rebuilding and alterations.

An Act to make further provision with respect to development comprised in Schedule 3 to the Town and Country Planning Act 1962 and Schedule 3 to the Town and Country Planning (Scotland) Act 1947.

[10th July 1963]

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

Amendments relating to development comprised in Town and Country Planning Act 1962, Schedule 3.

1.—(1) In any case where the value or depreciation in value of an interest in land falls to be determined on the assumption that a planning permission would be granted for development of any class specified in Schedule 3 to the Town and Country Planning Act 1962, it shall be further assumed, as regards development of any class specified in paragraph 1 or paragraph 3 of that Schedule (rebuilding and alteration of existing buildings), that such a planning permission would be granted subject to the condition set out in the Schedule to this Act; and in determining—

(a) for the purposes of section 123 (2) of the said Act of 1962 whether and to what extent the value of an interest in land affected by a planning decision is less than it would have been if the permission had been granted or granted unconditionally; and

(b) for the purposes of section 129 of that Act, whether the conditions for the service of a purchase notice are fulfilled,

no account shall be taken of any prospective use which would contravene the said condition.

(2) In the application of the said Schedule 3 for the purpose of any determination to which subsection (1) of this section

applies and for the purposes of section 123 (1) of the said Act of 1962, paragraph 3 of that Schedule shall be construed as not extending to works involving any increase in the cubic content of a building erected after the appointed day (including any building resulting from the carrying out of such works as are described in paragraph 1 of that Schedule); and paragraph 7 (extension of use) shall not apply to any such building.

(3) For the purposes of sections 113 and 114 of the said Act of 1962, so far as applicable (by virtue of section 122 of that Act) to compensation calculated under section 118 of that Act as amended by this section, the expression "new development" shall include—

- (a) any development to which subsection (1) of this section applies which is carried out otherwise than subject to the condition set out in the Schedule to this Act; and
- (b) any development excluded by subsection (2) of this section from Schedule 3 to that Act;

but except as aforesaid nothing in this section affects the meaning of that expression in that Act, or any determination to be made for the purposes of Part VI of that Act.

(4) In relation to a building erected after the appointed day, being a building resulting from the carrying out of any such works as are described in paragraph 1 of the said Schedule 3, any reference in that Schedule or in the Schedule to this Act to the original building is a reference to the building in relation to which those works were carried out and not to the building resulting from the carrying out of those works.

(5) For the purposes of this section, so far as applicable to any determination of existing use value as defined by section 134 (5) of the said Act of 1962, references to Schedule 3 to that Act, and to paragraphs 1, 3 and 7 of that Schedule, shall be construed as references to Schedule 3 to the Town and Country Planning Act 1947, and to the corresponding paragraphs of that Schedule.

2.—(1) In any case where the value or depreciation in value of an interest in land falls to be determined on the assumption that planning permission would be granted for development of any class specified in Schedule 3 to the Town and Country Planning (Scotland) Act 1947 as amended by any enactment, it shall be further assumed, as regards development of any class specified in paragraph 1 of Part I or paragraph 1 of Part II of that Schedule (rebuilding and alteration of existing buildings), that such permission would be granted subject to the condition set out in the Schedule to this Act; and in determining for the purposes of section 18(1) of the said Act of 1947 whether and to what extent the value of an interest in land affected by a planning decision is

Amendments relating to development comprised in Town and Country Planning (Scotland) Act 1947, Schedule 3.

less than it would have been if the permission had been granted or granted unconditionally, no account shall be taken of any prospective use which would contravene the said condition.

(2) Where, for the purpose of determining whether the conditions specified in paragraphs (a) to (c) of section 17 (1) of the said Act of 1947 (purchase notices) are fulfilled in relation to any land, any question arises as to what is or would in any particular circumstances be a reasonably beneficial use of that land, then, in determining that question for that purpose, no account shall be taken of any prospective use of that land which would involve the carrying out of development of any class not specified in Schedule 3 to that Act or which would involve any contravention of the condition set out in the Schedule to this Act.

(3) In the application of the said Schedule 3 for the purposes of any determination to which subsection (1) or subsection (2) of this section applies and for the purposes of section 18 (1) of the said Act of 1947, paragraph 1 of Part II of that Schedule shall be construed as not extending to works involving any increase in the cubic content of a building erected after the appointed day (including any building resulting from the carrying out of such works as are described in paragraph 1 of Part I of that Schedule); and paragraph 6 of Part II of that Schedule shall not apply to any such building.

(4) For the purposes of section 30 of the Town and Country Planning (Scotland) Act 1954, so far as applicable (by virtue of section 43 of that Act) to compensation under section 20 of the Town and Country Planning (Scotland) Act 1947 as amended by this section, the expression "new development" shall include—

- (a) any development to which subsection (1) of this section applies which is carried out otherwise than subject to the condition set out in the Schedule to this Act; and
- (b) any development excluded by subsection (3) of this section from Schedule 3 to the said Act of 1947;

but except as aforesaid nothing in this section affects the meaning of that expression in the said Act of 1954, or any determination to be made for the purposes of Part II of that Act.

(5) In relation to a building erected after the appointed day, being a building resulting from the carrying out of any such works as are described in paragraph 1 of Part I of the said Schedule 3, any reference in that Schedule or in the Schedule to this Act to the original building is a reference to the building in relation to which those works were carried out and not to the building resulting from the carrying out of those works.

3. There shall be defrayed out of moneys provided by Parliament any increase attributable to the provisions of this Act in the sums payable out of moneys so provided under any other enactment. Financial provision.

4.—(1) This Act may be cited as the Town and Country Planning Act 1963. Short title, commencement, construction and citation.

(2) This Act shall be deemed to have come into force on 25th February 1963, but shall not affect—

- (a) any determination arising out of a notice to treat served before that date, or served at any time in respect of a purchase notice or notice under section 139 of the Town and Country Planning Act 1962 or section 38(2) of the Town and Country Planning (Scotland) Act 1959 which was served before that date;
- (b) any other determination under the said Act of 1962 or the Town and Country Planning (Scotland) Act 1947 in respect of or arising out of a purchase notice served before that date;
- (c) any claim for compensation under section 118 or section 123 of the said Act of 1962 or under section 18(1) or section 20 of the said Act of 1947 which arose before that date;

and in relation to any time before 1st April 1963 any reference in this Act to an enactment contained in the said Act of 1962 shall be construed as a reference to the corresponding enactment repealed by that Act.

(3) This Act, in its application to England and Wales, shall be construed as one with the Town and Country Planning Act 1962; and that Act and this Act may be cited together as the Town and Country Planning Acts 1962 and 1963.

(4) This Act, in its application to Scotland, shall be construed as one with the Town and Country Planning (Scotland) Acts 1947 to 1959; and those Acts and this Act may be cited together as the Town and Country Planning (Scotland) Acts 1947 to 1963.

SCHEDULE

Sections 1 and 2.

CONDITION TREATED AS APPLICABLE TO REBUILDING AND ALTERATIONS

1. Where the building to be rebuilt or altered is the original building, the amount of gross floor space in the building as rebuilt or altered which may be used for any purpose shall not exceed by more than ten per cent. the amount of gross floor space which was last used for that purpose in the original building.

2. Where the building to be rebuilt or altered is not the original building, the amount of gross floor space in the building as rebuilt or altered which may be used for any purpose shall not exceed the amount of gross floor space which was last used for that purpose in the building before the rebuilding or alteration.

3. In determining under this Schedule the purpose for which floor space was last used in any building, no account shall be taken of any use in respect of which an effective enforcement notice has been or could be served or, in the case of a use which has been discontinued, could have been served immediately before the discontinuance.

4. For the purposes of this Schedule gross floor space shall be ascertained by external measurement; and, where different parts of a building are used for different purposes, floor space common to those purposes shall be apportioned rateably.

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Table of statutes mentioned in this Act

Short Title	Chapter
Town and Country Planning Act 1947 ...	10 & 11 Geo. 6. c. 51.
Town and Country Planning (Scotland) Act 1947	10 & 11 Geo. 6. c. 53.
Town and Country Planning (Scotland) Act 1954	2 & 3 Eliz. 2. c. 73.
Town and Country Planning (Scotland) Act 1959	7 & 8 Eliz. 2. c. 70.
Town and Country Planning Act 1962 ...	10 & 11 Eliz. 2. c. 38.

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## 1963 CHAPTER 18

### *Stock Transfer Act 1963*

#### ARRANGEMENT OF SECTIONS

##### Section

1. Simplified transfer of securities.
2. Supplementary provisions as to simplified transfer.
3. Additional provisions as to transfer forms.
4. Interpretation.
5. Application to Northern Ireland.
6. Short title and commencement.

##### SCHEDULES:

- Schedule 1—Stock Transfer Form.
- Schedule 2—Brokers Transfer Form.

An Act to amend the law with respect to the transfer of securities. [10th July 1963]

**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) Registered securities to which this section applies may be transferred by means of an instrument under hand in the form set out in Schedule 1 to this Act (in this Act referred to as a stock transfer), executed by the transferor only and specifying (in addition to the particulars of the consideration, of the description and number or amount of the securities, and of the person by whom the transfer is made) the full name and address of the transferee.

Simplified transfer of securities.

(2) The execution of a stock transfer need not be attested; and where such a transfer has been executed for the purpose of a stock exchange transaction, the particulars of the consideration and of the transferee may either be inserted in that transfer or, as the case may require, supplied by means of separate instruments in the form set out in Schedule 2 to this Act (in this Act referred to as brokers transfers), identifying the stock transfer and specifying the securities to which each such instrument relates and the consideration paid for those securities.

(3) Nothing in this section shall be construed as affecting the validity of any instrument which would be effective to transfer securities apart from this section; and any instrument purporting to be made in any form which was common or usual before the commencement of this Act, or in any other form authorised or required for that purpose apart from this section, shall be sufficient, whether or not it is completed in accordance with the form, if it complies with the requirements as to execution and contents which apply to a stock transfer.

(4) This section applies to fully paid up registered securities of any description, being—

- (a) securities issued by any company within the meaning of the Companies Act 1948 except a company limited by guarantee or an unlimited company;
- (b) securities issued by any body (other than a company within the meaning of the said Act) incorporated in Great Britain by or under any enactment or by Royal Charter except a building society within the meaning of the Building Societies Act 1962 or a society registered under the Industrial and Provident Societies Act 1893;
- (c) securities issued by the Government of the United Kingdom, except stock or bonds in the Post Office register or the register of the Bank of Ireland in Dublin, and except national savings certificates;
- (d) securities issued by any local authority;
- (e) units of a unit trust scheme, or other shares of the investments subject to the trusts of such a scheme, being a scheme in the case of which there is in force an order of the Board of Trade under section 17 of the Prevention of Fraud (Investments) Act 1958.

Supplementary provisions as to simplified transfer.

**2.—(1)** Section 1 of this Act shall have effect in relation to the transfer of any securities to which that section applies notwithstanding anything to the contrary in any enactment or instrument relating to the transfer of those securities; but nothing in that section affects—

- (a) any right to refuse to register a person as the holder of any securities on any ground other than the form in which those securities purport to be transferred to him: or
- (b) any enactment or rule of law regulating the execution of documents by companies or other bodies corporate, or any articles of association or other instrument regulating the execution of documents by any particular company or body corporate.

(2) Subject to the provisions of this section, any enactment or instrument relating to the transfer of securities to which section 1 of this Act applies shall, with any necessary modifications, apply in relation to an instrument of transfer authorised by that section as it applies in relation to an instrument of transfer to which it applies apart from this subsection; and without prejudice to the generality of the foregoing provision, the reference in section 79 (1) of the Companies Act 1948 (certification of transfers) to any instrument of transfer shall be construed as including a reference to a brokers transfer.

(3) In relation to the transfer of securities by means of a stock transfer and a brokers transfer—

- (a) any reference in any enactment or instrument (including in particular section 75 of the Companies Act 1948 and section 56 (4) of the Finance Act 1946) to the delivery or lodging of an instrument (or proper instrument) of transfer shall be construed as a reference to the delivery or lodging of the stock transfer and the brokers transfer;
- (b) any such reference to the date on which an instrument of transfer is delivered or lodged shall be construed as a reference to the date by which the later of those transfers to be delivered or lodged has been delivered or lodged; and
- (c) subject to the foregoing provisions of this subsection, the brokers transfer (and not the stock transfer) shall be deemed to be the conveyance or transfer for the purposes of the enactments relating to stamp duty.

(4) Without prejudice to subsection (1) of this section, section 1 of this Act shall have effect, in its application to Scotland, notwithstanding anything to the contrary in any enactment relating to the execution of instruments or the validity of instruments delivered with particulars left blank; but so much of subsection

(2) of that section as provides that the execution of a stock transfer need not be attested shall not apply to a transfer executed in accordance with section 18 of the Conveyancing (Scotland) Act 1924 on behalf of a person who is blind or unable to write.

3.—(1) References in this Act to the forms set out in Schedule 1 and Schedule 2 include references to forms substantially corresponding to those forms respectively. Additional provisions as to transfer forms.

(2) The Treasury may by order amend the said Schedules either by altering the forms set out therein or by substituting different forms for those forms or by the addition of forms for use as alternatives to those forms; and references in this Act to the forms set out in those Schedules (including references in this section) shall be construed accordingly.

(3) Any order under subsection (2) of this section which substitutes a different form for a form set out in Schedule 1 to this Act may direct that subsection (3) of section 1 of this Act shall apply, with any necessary modifications, in relation to the form for which that form is substituted as it applies to any form which was common or usual before the commencement of this Act.

(4) Any order of the Treasury under this section shall be made by statutory instrument, and may be varied or revoked by a subsequent order; and any statutory instrument made by virtue of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

4.—(1) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say— Interpretation.

“local authority” means, in relation to England and Wales, any authority being, within the meaning of the Local Loans Act 1875, an authority having power to levy a rate and, in relation to Scotland, a county council, a town council and any statutory authority, commissioners or trustees to whom section 270 of the Local Government (Scotland) Act 1947 applies;

“registered securities” means transferable securities the holders of which are entered in a register (whether maintained in Great Britain or not);

“securities” means shares, stock, debentures, debenture stock, loan stock, bonds, units of a unit trust scheme, or other shares of the investments subject to the trusts of such a scheme, and other securities of any description;

“stock exchange transaction” means a sale and purchase of securities in which each of the parties is a member of a stock exchange acting in the ordinary course of his business as such or is acting through the agency of such a member;

“stock exchange” means the Stock Exchange, London, and any other stock exchange (whether in Great Britain or not) which is declared by order of the Treasury to be a recognised stock exchange for the purposes of this Act.

(2) Any order of the Treasury under this section shall be made by statutory instrument, and may be varied or revoked by a subsequent order.

Application  
to Northern  
Ireland.

5.—(1) This Act, so far as it applies to things done outside Great Britain, extends to Northern Ireland.

(2) Without prejudice to subsection (1) of this section, the provisions of this Act affecting securities issued by the Government of the United Kingdom shall apply to any such securities entered in a register maintained in Northern Ireland.

(3) 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 this Act.

(4) Except as provided by this section, this Act shall not extend to Northern Ireland.

Short title  
and  
commence-  
ment.

6.—(1) This Act may be cited as the Stock Transfer Act 1963.

(2) Subsection (3) of section 5 of this Act shall come into force on the passing of this Act, and the remaining provisions of this Act shall come into force on such date as the Treasury may by order made by statutory instrument direct.

**SCHEDULES**  
**SCHEDULE 1**  
**STOCK TRANSFER FORM**

Section 1

Certificate lodged with the Registrar

(For completion by the Registrar/  
Stock Exchange)

Consideration Money £.....

Full name of Undertaking.

Full description of security.

Number or amount of Shares, Stock or other security and, in figures column only, number and denomination of units, if any.

Words

Figures

( units of )

Name(s) of registered holder(s) should be given in full: the address should be given where there is only one holder.

in the name(s) of

If the transfer is not made by the registered holder(s) insert also the name(s) and capacity (e.g., Executor(s)), of the person(s) making the transfer.

Delete words in italics except for stock exchange transactions.  
Bodies corporate should execute under their common seal.

**I/We hereby transfer the above security out of the name(s) aforesaid to the person(s) named below or to the several persons named in Parts 2 of Brokers Transfer Forms relating to the above security:**

Stamp of Selling Broker(s) or, for transactions which are not stock exchange transactions, of Agent(s), if any, acting for the Transferor(s)

Signature(s) of transferor(s)

- |        |        |
|--------|--------|
| 1..... | 3..... |
| 2..... | 4..... |

Date .....

Full name(s), full postal address(es) (including County or, if applicable, Postal District number) of the person(s) to whom the security is transferred.

Please state title, if any, or whether Mr., Mrs. or Miss.  
Please complete in typewriting or in Block Capitals.

**I/We request that such entries be made in the register as are necessary to give effect to this transfer.**

Stamp of Buying Broker(s) (if any).

Stamp or name and address of person lodging this form (if other than the Buying Broker(s))

*(Endorsement for use only in stock exchange transactions)*

*The security represented by the transfer overleaf has been sold as follows:—*

|                                                  |                           |
|--------------------------------------------------|---------------------------|
| ..... <i>Shares/Stock</i>                        | ..... <i>Shares/Stock</i> |
| ..... <i>Shares/Stock</i>                        | ..... <i>Shares/Stock</i> |
| ..... <i>Shares/Stock</i>                        | ..... <i>Shares/Stock</i> |
| ..... <i>Shares/Stock</i>                        | ..... <i>Shares/Stock</i> |
| ..... <i>Shares/Stock</i>                        | ..... <i>Shares/Stock</i> |
| ..... <i>Shares/Stock</i>                        | ..... <i>Shares/Stock</i> |
| ..... <i>Shares/Stock</i>                        | ..... <i>Shares/Stock</i> |
|                                                  | ..... <i>Shares/Stock</i> |
|                                                  | .....                     |
| <i>Balance (if any) due to Selling Broker(s)</i> | _____                     |
| <i>Amount of Certificate(s)</i>                  | _____                     |

*Brokers Transfer Forms for above amounts certified*  
*Stamp of certifying Stock Exchange*                      *Stamp of Selling Broker(s)*

SCHEDULE 2

Section 1.

**BROKERS TRANSFER FORM**

Certificate lodged with the Registrar

(For completion by the Registrar/ Stock Exchange)

Consideration Money £.....

**Part 1**

Full name of Undertaking.

Full description of security.

Number or amount of Shares, Stock or other security and, in figures column only, number and denomination of units, if any.

Words

Figures

( units of )

Name(s) of registered holder(s) should be given in full: the address should be given where there is only one holder.

in the name(s) of

If the transfer is not made by the registered holder(s) insert also the name(s) and capacity (e.g., Executor(s)), of the person(s) making the transfer.

I/We confirm that the Stock Transfer Form relating to the security set out above has been lodged with the Registrar, and that the said security has been sold by me/us by a stock exchange transaction within the meaning of the Stock Transfer Act 1963.

*Date and Stamp of Selling Broker(s)*

**Part 2**

Full name(s), full postal address(es) (including County or, if applicable, Postal District number) of the person(s) to whom the security is transferred.

Please state title, if any, or whether Mr., Mrs. or Miss.

Please complete in typewriting or in Block Capitals.

I/We confirm that the security set out in Part 1 above has been purchased by a stock exchange transaction within the meaning of the Stock Transfer Act 1963, and I/we request that such entries be made in the register as are necessary to give effect to this transfer.

Stamp of Buying Broker(s).

Stamp of Lodging Agent (if other than the Buying Broker(s))

Table of Statutes referred to in this Act

| Short Title                                     | Session and Chapter     |
|-------------------------------------------------|-------------------------|
| Local Loans Act 1875 ... ..                     | 38 & 39 Vict. c. 83.    |
| Industrial and Provident Societies Act 1893 ... | 56 & 57 Vict. c. 39.    |
| Government of Ireland Act 1920 ... ..           | 10 & 11 Geo. 5. c. 67.  |
| Conveyancing (Scotland) Act 1924 ... ..         | 14 & 15 Geo. 5. c. 27.  |
| Finance Act 1946 ... ..                         | 9 & 10 Geo. 6. c. 64.   |
| Local Government (Scotland) Act 1947 ... ..     | 10 & 11 Geo. 6. c. 43.  |
| Companies Act 1948 ... ..                       | 11 & 12 Geo. 6. c. 38.  |
| Prevention of Fraud (Investments) Act 1958 ...  | 6 & 7 Eliz. 2. c. 45.   |
| Building Societies Act 1962 ... ..              | 10 & 11 Eliz. 2. c. 37. |

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1963 CHAPTER 19

An Act to make further provision for the payment of grants under the Local Employment Act 1960 towards the cost of machinery, plant and buildings required by undertakings in development districts, and to enable the Board to fulfil certain agreements in localities which have ceased to be development districts.

[10th July 1963]

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

Grants for
machinery and
plant.
8 & 9 Eliz. 2.
c. 18.

1.—(1) The Board of Trade may, with the consent of the Treasury, make to persons carrying on or proposing to carry on industrial undertakings in any development district within the meaning of the Local Employment Act 1960 (in this Act referred to as the principal Act) grants towards the cost of equipping those undertakings with machinery or plant.

(2) A grant may be made under this section in any case where the Board consider it expedient for the purposes of Part I of the principal Act to make such a grant, and the Board shall, in making such a grant, impose such conditions as they think fit for securing that the machinery or plant will continue to serve those purposes, which may include conditions for repayment in specified circumstances.

(3) The amount of any grant under this section shall be ten per cent. of the cost of acquiring and installing the machinery or plant in respect of which it is made.

(4) Grants may be made under this section in respect of expenditure incurred on or after 3rd April 1963.

(5) In this section "industrial undertaking" means an undertaking carrying on any process described in section 21 of the principal Act; and the reference to a development district shall be construed in accordance with section 1(4) of that Act.

2.—(1) Subject to the provisions of this section, the amount of any grant to be made by the Board under section 3 of the principal Act (building grants) towards the cost of providing a building or an extension of a building shall be twenty-five per cent. of the expenditure incurred in providing that building or extension; and subsection (2) of that section is hereby repealed. Amendments relating to building grants.

(2) In calculating for the purposes of this section the expenditure incurred in providing a building or extension, no account shall be taken of any expenditure which, in the opinion of the Board, was not reasonably necessary having regard to the purpose for which the building or extension is required.

(3) In the said section 3 and in this section, references to buildings shall include references to structures, and references to providing a building shall include references to providing a building by adapting an existing building.

(4) This section shall not affect any grant which was offered before 3rd April 1963, but save as aforesaid this section applies to grants under the said section 3 in response to applications made before as well as after the passing of this Act.

3. Without prejudice to section 14(1)(a) of the principal Act (completion of buildings and works) any powers under section 2 or section 5 of that Act may be exercised by the Board in relation to land in any locality, notwithstanding that the locality has at any time ceased to be a development district, so far as may be necessary for the purpose of fulfilling any agreement entered into by the Board before that time. Agreed works.

4. Any expenses incurred by the Board under or by virtue of this Act shall be defrayed out of moneys provided by Parliament and any receipts of the Board under or by virtue of this Act shall be paid into the Exchequer. Expenses and receipts.

5.—(1) This Act may be cited as the Local Employment Act 1963. Short title, construction and citation.

(2) This Act shall be construed as one with Part I of the principal Act, and that Act and this Act may be cited together as the Local Employment Acts 1960 and 1963.

1963 CHAPTER 20

An Act to empower the Minister of Education to make provision by order (otherwise than in accordance with section 89 of the Education Act 1944) with respect to the remuneration of teachers; and for purposes connected therewith. [10th July 1963]

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 make orders as to remuneration.

1.—(1) In relation to any of the descriptions of teachers specified in Schedule 1 to this Act, the Minister may by order make provision for securing that the remuneration of teachers of that description shall be determined, and remuneration paid to them by local education authorities, in accordance with the scales and other provisions contained in the relevant report as amended by the order.

(2) In this section “the relevant report”, in relation to the description of teachers specified in paragraph 1, paragraph 2 or paragraph 3 of Schedule 1 to this Act, means the report specified in the corresponding paragraph of Schedule 2 to this Act (as amended, in the case of the report specified in paragraph 1 or paragraph 2 of the said Schedule 2, by the amendments specified in that paragraph).

(3) Any amendments of the relevant report which, with respect to any of those descriptions of teachers, are contained in an order under this section may be either by way of substitution for, or by way of the deletion or variation of, or addition to, any of the scales or other provisions contained in the relevant report, or contained in that report as amended by any previous order under this section which is for the time being in force; and in subsection (1) of this section the reference to the relevant report as amended by the order shall be construed accordingly.

(4) Every order made under this section in relation to any description of teachers shall include provision for securing that the remuneration payable to any teacher of that description in respect of any period to which the order applies is not less than it would have been if the order had not been made.

(5) Any order under this section which is made before the 1st August 1963, and provides that it shall take effect as from the 1st April 1963, shall be deemed to have had effect as from the last-mentioned date, and the remuneration of teachers to whom the order applies shall be deemed to have been payable accordingly.

(6) No order (except an order which only revokes a previous order) shall be made under this section after the 31st March 1965.

(7) Any order made under this section in relation to the description of teachers specified in any of the paragraphs of Schedule 1 to this Act may include provision for revoking the order or orders specified in the corresponding paragraph of Schedule 3 to this Act; and the proviso to section 111 of the Education Act 1944 (which relates to the revocation and variation of orders and directions under that Act) shall not apply to the revocation of any order by virtue of this subsection.

(8) The power to make orders under this section shall be exercisable by statutory instrument; and any statutory instrument containing such an order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

2.—(1) This Act may be cited as the Remuneration of Teachers Act 1963. Short title, construction and extent.

(2) This Act shall be construed as one with the Education Acts 1944 to 1962.

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

SCHEDULES

SCHEDULE 1

Section 1.

DESCRIPTIONS OF TEACHERS

1. Full-time teachers in primary and secondary schools maintained by local education authorities.
2. Full-time teachers in establishments for further education (other than farm institutes) maintained by local education authorities.
3. Full-time teachers employed as members of the teaching staff of farm institutes maintained by local education authorities, or as teachers of agricultural subjects (including horticultural and related subjects) on the staff of local education authorities.

SCHEDULE 2

Section 1.

REPORTS, AND AMENDMENTS TO REPORTS, OF BURNHAM COMMITTEES

1.—(1) Report of the Burnham Committee on Scales of Salaries for Teachers in Primary and Secondary Schools, England and Wales, 1961.

(2) The amendments set out in the Schedule to the Remuneration of Teachers (Primary and Secondary Schools) Amending Order 1962.

2.—(1) Report of the Burnham Committee on Scales of Salaries for Teachers in Establishments for Further Education, England and Wales, 1961.

SCH. 2 (2) The amendments set out in the Schedule to the Remuneration of Teachers (Further Education) Amending Order 1962.

3. Report of the Committee on Scales of Salaries for the Teaching Staff of Farm Institutes and for Teachers of Agricultural (including Horticultural) Subjects, England and Wales, 1961.

Section 1.

SCHEDULE 3

EXISTING ORDERS

1. The Remuneration of Teachers (Primary and Secondary Schools) Order 1961, and the Remuneration of Teachers (Primary and Secondary Schools) Amending Order 1962.

2. The Remuneration of Teachers (Further Education) Order 1961, and the Remuneration of Teachers (Further Education) Amending Order 1962.

3. The Remuneration of Teachers (Farm Institutes) Order 1961.

1963 CHAPTER 21

Education (Scotland) Act 1963

ARRANGEMENT OF SECTIONS

Section

1. Establishment of board to conduct examinations, etc.
2. Scope of regulations as to teachers' salaries.
3. Financing of pensions for widows, etc., of teachers.
4. Membership of education committees and sub-committees.
5. Expenses.
6. Citation, construction and extent.

An Act to provide for the establishment of a board in Scotland for the purpose of discharging certain functions relating to examinations for pupils receiving secondary education and others; to amend the provisions of the Education (Scotland) Act 1962 with respect to the scope of regulations prescribing scales of salary for teachers and to the provision of pensions for widows, widowers, children and dependants of teachers; to amend certain provisions of the Local Government (Scotland) Act 1947 relating to membership of education committees and of sub-committees thereof; and for purposes connected with the matters aforesaid.

[10th July 1963]

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) There shall be a board (hereafter in this section referred to as “the Board”) for the following purposes, that is to say—

Establishment of board to conduct examinations, etc.

- (a) conducting examinations for the award of certificates relating to secondary education and awarding such certificates ;
- (b) advising the Secretary of State on matters relating to examinations for pupils receiving secondary education ;
- (c) such other purposes relating to examinations as may be specified in regulations under this section.

(2) Regulations shall be made under this section by the Secretary of State, and such regulations shall confer on the Board such powers, and impose on them such duties, as appear to the Secretary of State to be necessary or desirable for the purposes referred to in subsection (1) of this section and may empower the Secretary of State to give to the Board such directions as to the discharge by them of their functions as appear to him to be expedient.

(3) Regulations under this section shall make provision with respect to the membership of the Board and shall ensure that not less than four-fifths of the members of the Board are appointed by the Secretary of State from amongst persons nominated by, or by bodies appearing to the Secretary of State to represent the interests of, the universities of Scotland, education authorities, governing bodies of central institutions, governing bodies of colleges of education, directors of education and teachers employed in educational establishments.

(4) Regulations under this section may—

- (a) provide that the Board shall be a body corporate with perpetual succession and a common seal ;
- (b) make provision with respect to the procedure of the Board and the conduct of their business ;
- (c) make provision with respect to the financial transactions of the Board, including provision for the keeping by the Board of proper accounts and for the auditing of such accounts ;
- (d) provide for the payment by the Board to the members of the Board or of any committee or sub-committee thereof of travelling, subsistence and other allowances ;
- (e) provide that the Board may appoint officers, servants and agents on such terms as to remuneration, pensions

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or otherwise as the Board may, with the approval of the Secretary of State, determine ;

- (f) provide that the Board shall make an annual report to the Secretary of State on the exercise by them of their functions, and that the Secretary of State shall lay a copy of the report before each House of Parliament ;
- (g) contain such consequential, ancillary and incidental provisions as appear to the Secretary of State to be necessary or desirable for the purposes of the regulations.

(5) Every education authority shall, at such times as may be fixed by the Secretary of State, contribute to the funds of the Board such sums as may be fixed by him after consultation with such bodies representative of local authorities as appear to him to be concerned, and the said contributions shall be applied by the Board towards meeting their expenses.

(6) The Secretary of State may from time to time make grants to the Board which shall be applied by them towards meeting their expenses.

Scope of regulations as to teachers' salaries.
10 & 11 Eliz. 2, c. 47.

2.—(1) The power conferred on the Secretary of State by section 83 of the Education (Scotland) Act 1962 to make regulations prescribing scales of salary payable by education authorities to teachers appointed by them shall include, and shall be deemed always to have included, a power to include in those regulations provisions empowering the Secretary of State, in such circumstances and subject to such conditions as may be specified in the regulations, to direct that the regulations shall apply in respect of a particular teacher, or of a particular class of teachers, or of all or any of the teachers in a particular educational establishment, or of the holder for the time being of a particular teaching appointment, subject to such modifications as may be specified in the direction, and to amend or revoke any direction so given, and requiring education authorities to give effect to any such direction, whether as originally given or as amended as aforesaid.

(2) Regulations made under the said section 83 shall prescribe the date from which those regulations are to have effect, and different dates may be prescribed for different provisions of the regulations, and any date so prescribed may be a date earlier than the date on which the regulations are made :

Provided that—

- (a) where in making the regulations the Secretary of State has had regard to recommendations made by any council or other body constituted under subsection (4) of the said section 83, any date so prescribed shall not be earlier than the date on which recommendations

to which he has had regard as aforesaid were first received by the Secretary of State, and

- (b) so much of any regulations as provides that any provision thereof is to have effect from a date prior to the making of the regulations shall not place any teacher affected by them in a worse position than he would have been in if the regulations had been made to have effect only from the date of the making thereof.

3.—(1) In paragraph 20 of Schedule 3 to the Education (Scotland) Act 1962 (which sets out provisions regarding pensions for widows, widowers, children and dependants of teachers to which the Teachers (Superannuation) Regulations may give effect, including provisions for the surrender or repayment in exchange for the said pensions of certain sums payable or paid to or in respect of teachers), for the words from “Provision may be made for the surrender or repayment” to the words “the carrying out of the purposes of this paragraph” there shall be substituted the following words:—

Financing of pensions for widows, etc., of teachers.

“For the purpose of supporting the said pensions, provision may be made—

- (a) for the payment to the Secretary of State by teachers of such contributions (which shall be separate from and additional to those provided for by section 105 of this Act) as may be prescribed; or
- (b) for the surrender or repayment to the Secretary of State of so much of the lump sums or death gratuities payable or paid, or of contributions returnable or returned, to or in respect of teachers as may be prescribed; or
- (c) for both such payment and such surrender or repayment.

Provision may be made for the return to a teacher or to his personal representatives, in such circumstances and subject to such conditions as may be prescribed, of the whole or a part of the contributions paid by him under provisions of the Teachers (Superannuation) Regulations giving effect to head (a) or head (c) of this paragraph, and for the payment, in such cases (if any) as may be prescribed, of compound interest on contributions so returned from such date, and at such rate, as may be prescribed.

Provision may be made for the payment by the Secretary of State of any sums received by him under provisions of the said Regulations giving effect to this paragraph either into the Exchequer or into a fund established for that purpose by the said Regulations, and for the exclusion of any such sums and of any expenditure of the Secretary of State under provisions of the said Regulations giving effect to this paragraph from the teachers superannuation account kept under section 107 of this Act.

The said Regulations may make such consequential, ancillary and incidental provisions as appear to the Secretary of State to be necessary or expedient for the carrying out of the purposes of this paragraph: ”.

(2) Accordingly, in the Education (Scotland) Act 1962, in subsection (2) of section 107, for the words “ this Part of this Act ” there shall be substituted the words “ section 105 of this Act ”, and in paragraph 7 of Schedule 3 for the words “ this Act ” there shall be substituted the words “ section 105 of this Act ”.

Membership
of education
committees
and sub-
committees.
10 & 11 Geo. 6.
c. 43.

4.—(1) Nothing in section 125 of the Local Government (Scotland) Act 1947 (by virtue of which a person who holds any paid office or other place of profit in the gift or disposal of a local authority is, amongst other persons, disqualified for being a member of any committee or sub-committee of that authority) shall cause any person to be disqualified, by reason only of the fact that he is a teacher employed by an education authority, for being a member of the education committee of that authority or for being a member of any sub-committee of that committee.

(2) In section 109 (1) of the said Act of 1947 (which amongst other things lays down that in an administrative scheme of an education authority providing for the constitution of sub-committees for the management of educational establishments provision shall be made as set out in that section regarding the membership of such sub-committees), for the words “ Provision shall be made ” there shall be substituted the words “ Except to the extent that, in relation to the constitution of sub-committees for the management of educational establishments which are used or to be used for the provision of further education, the Secretary of State otherwise agrees, provision shall be made ”.

Expenses.

5. There shall be paid out of moneys provided by Parliament—
(a) any expenditure incurred by the Secretary of State under this Act, and
(b) any increase attributable to this Act in the sums payable out of moneys so provided under any other enactment.

Citation,
construction
and extent.

6.—(1) This Act may be cited as the Education (Scotland) Act 1963.

(2) The Education (Scotland) Acts 1939 to 1962 and this Act shall be construed as one, and those Acts and this Act may be cited together as the Education (Scotland) Acts 1939 to 1963.

(3) This Act shall extend to Scotland only.

1963 CHAPTER 22

An Act to increase the amount by reference to which actions are classified as summary causes in the sheriff court in Scotland; to increase the amount by reference to which the small debt jurisdiction of the sheriff is limited; to amend the law with regard to the bringing of actions between spouses for interim aliment of small amounts in the sheriff's small debt court and with regard to the jurisdiction of the sheriff in such actions brought as aforesaid; and for purposes connected with the matters aforesaid. [10th July 1963]

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) In section 3 (i) of the principal Act (which provides that in that Act the expression “summary cause” is to include actions (other than actions in the small debt court) for payment of money not exceeding fifty pounds and actions the value of which is agreed by the parties thereto not to exceed fifty pounds), and in Rule 40 of the First Schedule to the principal Act (which empowers the sheriff to direct that a cause be tried as a summary cause notwithstanding that its value exceeds fifty pounds), for the references to fifty pounds there shall be substituted references to two hundred and fifty pounds.

Raising of summary cause limit to £250.

(2) The amendments made by the foregoing subsection shall not apply in relation to any proceedings commenced before the commencement of this Act.

2.—(1) In section 42 of the principal Act (by virtue of which the Small Debt Acts apply to all causes competent thereunder the value of which does not exceed twenty pounds) for the references to twenty pounds there shall be substituted references to fifty pounds.

Extension of small debt jurisdiction to £50.

(2) The amendments made by the foregoing subsection shall not apply in relation to any proceedings commenced before the commencement of this Act.

3.—(1) An action of interim aliment by one party to a marriage against the other may competently be brought in the sheriff's small debt court under the Small Debt Acts if the aliment claimed in the action does not exceed—

Actions between spouses for interim aliment of small amounts.

(a) the sum of five pounds per week in respect of the pursuer, and

(b) the sum of thirty shillings per week in respect of each child (if any) of the marriage;
and a provision in any enactment limiting the jurisdiction of the sheriff in the small debt court by reference to any amount, or limiting the period for which a decree granted in that court shall have effect, shall not apply in relation to such an action of interim aliment as is described in this subsection.

(2) Without prejudice to the provisions regarding jurisdiction of any other enactment, the sheriff shall also have jurisdiction in an action of interim aliment brought in the small debt court by virtue of subsection (1) of this section if—

(a) the pursuer resides within the jurisdiction of the sheriff, and

(b) the action could, by virtue of section 6 of the principal Act (which relates to jurisdiction), have been brought in the sheriff court of another sheriffdom.

(3) The sheriff may on the motion of either party to an action of interim aliment brought in the small debt court (being an action in which he has jurisdiction by virtue of subsection (2) of this section), if it appears to him that the action could more conveniently be disposed of in the small debt court of another sheriffdom, order that the action be transferred to the last-mentioned court, and an action so transferred shall proceed in all respects as if it had been brought originally in the last-mentioned court and the sheriff having jurisdiction in that court may hear and determine the action accordingly.

Citation,
construction
and com-
mencement.

7 Edw. 7. c. 51.

4.—(1) This Act may be cited as the Sheriff Courts (Civil Jurisdiction and Procedure) (Scotland) Act 1963.

(2) In this Act the expression “the principal Act” means the Sheriff Courts (Scotland) Act 1907, as amended by any other enactment, and the principal Act and this Act shall be construed together as one.

(3) This Act shall come into operation on 1st October 1963.

1963 CHAPTER 23

An Act to extend the power conferred on the Secretary of State by paragraph (c) of subsection (7) of section 4 of the Forestry Act 1945 to sell land vested in or acquired by him by or under the said section 4. [10th July 1963]

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 power conferred on the Secretary of State by section 4 (7) (c) of the Forestry Act 1945 to sell land vested in or acquired by him by or under that section shall include a power to sell any such land notwithstanding that in his opinion that land is needed or ought to be used for the purpose of afforestation or for a purpose connected with forestry, if he is satisfied that the sale of the land—

- (a) is desirable in the interests of rational land management, and
- (b) would facilitate the discharge by the Forestry Commissioners of any of their functions.

2.—(1) This Act may be cited as the Forestry (*Sale of Land*) (Scotland) Act 1963 and shall be construed as one with the Forestry Acts 1919 to 1951, and those Acts and this Act may be cited together as the Forestry Acts 1919 to 1963.

(2) The references in this Act to the Secretary of State shall be construed as references to the Secretary of State concerned with agriculture in Scotland.

1963 CHAPTER 24

British Museum Act 1963

ARRANGEMENT OF SECTIONS

Section

1. Altered composition of British Museum Trustees.
2. General powers of Trustees.
3. Keeping and inspection of collections.
4. Lending of objects.
5. Disposal of objects.
6. Staff.
7. Reports by Trustees.
8. Separation of Natural History Museum.
9. Transfers to other institutions.
10. Authorised repositories.
11. Amendment of 57 and 58 Vict. c. 34.
12. Expenses of additional repositories and storage premises.
13. Short title, commencement, transitional provisions and repeals.

SCHEDULES:

First Schedule—Tenure of office and proceedings of Trustees.

Second Schedule—Transitional provisions as to separation of Natural History Museum.

Third Schedule—Sites of authorised repositories.

Fourth Schedule—Repeals.

An Act to alter the composition of the Trustees of the British Museum, to provide for the separation from the British Museum of the British Museum (Natural History), to make new provision with respect to the regulation of the two Museums and their collections in place of that made by the British Museum Act 1753 and enactments amending or supplementing that Act, and for purposes connected with the matters aforesaid.
[10th July 1963]

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:—

Altered composition of British Museum Trustees.

1.—(1) From the commencement of this Act, the body known as the Trustees of the British Museum shall continue to exist as a body corporate, with perpetual succession and a common seal, having the general management and control of the British Museum, but shall consist of twenty-five persons appointed as follows, that is to say—

- (a) one appointed by Her Majesty ;
- (b) fifteen appointed by the Prime Minister ;
- (c) four appointed by the Treasury on the nominations of the Presidents of the Royal Society, the Royal Academy, the British Academy and the Society of Antiquaries of London respectively ; and
- (d) five appointed by the Trustees of the British Museum.

(2) The provisions of the First Schedule to this Act shall have effect with respect to the tenure of office and proceedings of the Trustees.

General Powers of Trustees.

2. The Trustees of the British Museum shall have power, subject to the restrictions imposed on them by virtue of any enactment (whether contained in this Act or not), to enter into contracts and other agreements, to acquire and hold land and other property, and to do all other things that appear to them necessary or expedient for the purpose of their functions.

Keeping and inspection of collections.

3.—(1) Subject to the provisions of this Act, it shall be the duty of the Trustees of the British Museum to keep the objects comprised in the collections of the Museum within the authorised repositories of the Museum, except in so far as they may consider it expedient to remove them temporarily for any purpose connected with the administration of the Museum and the care of its collections.

(2) Where it appears to the Trustees that any such objects cannot conveniently be kept within the authorised repositories, they may store them at other premises in Great Britain if satisfied that they can be stored in those premises without detriment to the purposes of the Museum.

(3) It shall be the duty of the Trustees to secure, so far as appears to them to be practicable, that the objects comprised in the collections of the Museum (including objects stored under the preceding subsection) are, when required for inspection by members of the public, made available in one or other of the authorised repositories under such conditions as the Trustees think fit to impose for preserving the safety of the collections and ensuring the proper administration of the Museum.

(4) Objects vested in the Trustees as part of the collections of the Museum shall not be disposed of by them otherwise than under section 5 or 9 of this Act.

4. The Trustees of the British Museum may lend for public exhibition (whether in the United Kingdom or elsewhere) any object comprised in the collections of the Museum:

Provided that in deciding whether or not to lend any such object, and in determining the time for which, and the conditions subject to which, any such object is to be lent, the Trustees shall have regard to the interests of students and other persons visiting the Museum, to the physical condition and degree of rarity of the object in question, and to any risks to which it is likely to be exposed.

5.—(1) The Trustees of the British Museum may sell, exchange, give away or otherwise dispose of any object vested in them and comprised in their collections if—

- (a) the object is a duplicate of another such object, or
- (b) the object appears to the Trustees to have been made not earlier than the year 1850, and substantially consists of printed matter of which a copy made by photography or a process akin to photography is held by the Trustees, or
- (c) in the opinion of the Trustees the object is unfit to be retained in the collections of the Museum and can be disposed of without detriment to the interests of students:

Provided that where an object has become vested in the Trustees by virtue of a gift or bequest the powers conferred by this subsection shall not be exercisable as respects that object in a manner inconsistent with any condition attached to the gift or bequest.

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(2) The Trustees may destroy or otherwise dispose of any object vested in them and comprised in their collections if satisfied that it has become useless for the purposes of the Museum by reason of damage, physical deterioration, or infestation by destructive organisms.

(3) Money accruing to the Trustees by virtue of an exercise of the powers conferred by this section shall be laid out by them in the purchase of objects to be added to the collections of the Museum.

Staff.

6.—(1) There shall be a Director of the British Museum, who shall be a person appointed by the Trustees with the approval of the Prime Minister and shall hold office on such terms and subject to such conditions as the Treasury may direct, and who shall be responsible to the Trustees for the care of all property in their possession and for the general administration of the Museum.

(2) The Trustees may, subject to the consent of the Treasury as to numbers and conditions of service, appoint such other officers and servants as the Trustees think fit; and there shall be paid to the Director and to officers and servants so appointed such salaries, allowances and other remuneration as the Treasury may determine.

(3) For the purposes of pensions and other superannuation benefits—

(a) service in an established capacity in the employment of the Trustees shall, where the person in question has been admitted into that employment with a certificate from the Civil Service Commissioners, be treated as service in the permanent civil service of the State within the meaning of section 17 of the Superannuation Act 1859; and

(b) service in the employment of the Trustees in any other case shall be treated as service in the civil service of the State not falling within the said section 17.

Reports by Trustees.

7. The Trustees of the British Museum shall within three years after the commencement of this Act and subsequently at intervals of not more than three years prepare and lay before each House of Parliament a report on the Museum.

Separation of Natural History Museum.

8.—(1) There shall be a body corporate, with perpetual succession and a common seal, known as the Trustees of the British Museum (Natural History) and hereafter in this Act referred to as “the Natural History Trustees”, which from the commencement of this Act shall have the general management and control of the British Museum (Natural History); and on that commencement the functions with respect to that Museum of the Trustees of the British Museum shall cease.

(2) The Natural History Trustees shall consist of twelve persons appointed as follows, that is to say—

- (a) eight appointed by the Prime Minister ;
- (b) one appointed by the Treasury on the nomination of the President of the Royal Society ; and
- (c) three appointed by the Natural History Trustees.

(3) Sections 2 to 7 of this Act and the First Schedule thereto shall apply in relation to the British Museum (Natural History) and the Trustees thereof as they apply in relation to the British Museum and the Trustees thereof, but with the following adaptations, that is to say—

- (a) section 4 shall apply as if, after the words “ may lend for public exhibition ” there were inserted the words “ or research ” ;
- (b) the First Schedule shall apply as if in paragraph 4 (which specifies the quorum at meetings) the word “ four ” were substituted for the word “ six ”.

(4) The Second Schedule to this Act shall have effect in relation to transitional matters arising in consequence of the enactment of this section.

9.—(1) Any movable property vested in the Trustees of either Museum may be transferred by them to the Trustees of the other Museum, and any pictures vested in the Trustees of either Museum may be transferred by them to an institution listed in the First Schedule to the National Gallery and Tate Gallery Act 1954 (including any institution added to that Schedule under section 3 of that Act). Transfers to other institutions.

(2) Where property transferred under this section became vested in the transferees by virtue of a gift or bequest it shall be dealt with by the transferees as if acquired by them under a like gift or bequest.

10.—(1) The buildings for the time being occupying the sites described in Parts I and II of the Third Schedule to this Act shall be the authorised repositories for the collections of the British Museum and the British Museum (Natural History) respectively. Authorised repositories.

(2) The Treasury may, with the agreement of the Trustees concerned, by order amend the said Schedule by adding a reference to a further site, or deleting the reference to the whole or any part of a site, or altering the description of a site ; and any such order shall be made by statutory instrument, and shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) A building or site vested in the Trustees of either Museum, being an authorised repository or the site of an authorised repository, shall not be sold or otherwise disposed of by them.

Amendment
of 57 & 58
Vict. c. 34.

11. The British Museum (Purchase of Land) Act 1894 (under which money was advanced for the purchase by the Trustees of the British Museum of certain property adjacent to Montagu House) shall be amended by the insertion of the following section after section 2—

“Disposal of
property
purchased. 2A. The said property shall not be sold or otherwise disposed of without the consent of the Treasury, and the net proceeds of any sale or other disposition thereof shall be paid into the Exchequer.”

Expenses of
additional
repositories
and storage
premises.

12. There shall be paid out of moneys provided by Parliament any increase in expenditure out of moneys so provided which is attributable to the provisions of this Act enabling objects comprised in the collections of the British Museum or the British Museum (Natural History) to be kept in premises additional to those in which they were required to be kept immediately before the commencement of this Act.

Short title,
commence-
ment,
transitional
provisions and
repeals.

13.—(1) This Act may be cited as the British Museum Act, 1963.

(2) Subject to the following subsection, this Act shall come into operation on such day as the Treasury may by order made by statutory instrument appoint.

(3) The first appointments to be made under section 1(1) or 8(2) of this Act (other than appointments by the Trustees of the British Museum or the Natural History Trustees), shall, so far as may be practicable, be made so as to take effect at the commencement of this Act, and the remainder of the first appointments under either of those provisions shall be made as soon as may be practicable after that commencement.

(4) As respects service in the employment of the Trustees of the British Museum before the commencement of this Act, section 6(3) of this Act shall be deemed always to have had effect.

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

(6) Bylaws, ordinances, statutes or rules in force immediately before the commencement of this Act under section 14 or 15 of the British Museum Act 1753 shall not be invalidated by the repeal of that Act but shall have effect in relation to each Museum, with such modifications as may be necessary in consequence of the provisions of this Act, as if they were rules made by the Trustees of that Museum under paragraph 5 of the First Schedule to this Act.

SCHEDULES

FIRST SCHEDULE

Sections 1 and 8.

TENURE OF OFFICE AND PROCEEDINGS OF TRUSTEES

1. Each trustee shall hold office for such period as is specified in the instrument by which he is appointed, but that period shall not exceed ten years, or five years in the case of a person whose appointment takes effect at or within twelve months after the end of any period for which he was previously appointed a trustee of the Museum under this Act.

2. A trustee may resign his office by notice in writing served on the person or body who appointed him.

3. The functions of the Trustees may be exercised notwithstanding vacancies in their number.

4. The quorum at meetings of the Trustees shall be six.

5. The Trustees may make rules for regulating their proceedings and for other matters relevant to the exercise of their functions.

SECOND SCHEDULE

Section 8.

TRANSITIONAL PROVISIONS
AS TO SEPARATION OF NATURAL HISTORY MUSEUM

1.—(1) The following property shall vest at the commencement of this Act in the Natural History Trustees, that is to say—

- (a) the objects vested immediately before that commencement in the Trustees of the British Museum and comprised in the collections of the British Museum (Natural History); and
- (b) the lands and buildings at Tring referred to in the British Museum Act 1938.

(2) Such of the said objects as became vested in the Trustees of the British Museum by virtue of a gift or bequest shall be treated for the purposes of this Act as vested in the Natural History Trustees by virtue of a like gift or bequest.

2.—(1) For the purposes of this paragraph there shall be constituted, as soon as may be after the commencement of this Act, a committee consisting of—

- (a) a chairman, being a barrister or solicitor appointed by the Treasury, and
- (b) two persons appointed by the Trustees of the British Museum, and
- (c) two persons appointed by the Natural History Trustees.

(2) The committee shall determine what provision should be made by means of the transfer of property, the alteration of trusts or

the establishment or variation of common investment funds, or by any other means, for enabling such of the endowments of the Museums as are held (whether in trust or not) for the purposes of the British Museum (Natural History) to be conveniently administered and applied for those purposes after the commencement of this Act, for transferring from the Trustees of the British Museum to the Natural History Trustees such powers of appointment to offices as in the opinion of the committee should be so transferred, and for otherwise enabling the provisions of section 8(1) of this Act to be carried into full effect, and shall transmit a report of its determinations to the Treasury, who shall make an order giving effect to them.

3. Section 451 of the Income Tax Act 1952 (which provides for exemption from income tax) shall apply in relation to the Natural History Trustees as it applies in relation to the Trustees of the British Museum, and the Charities Act 1960 shall have effect as if the reference to the British Museum in the Second Schedule to that Act (which contains a list of institutions being, so far as they are charities, exempt charities within the meaning of that Act) included a reference to the British Museum (Natural History).

4. Subject to the provisions of this Act, all matters and things having effect in relation to the British Museum (Natural History) immediately before the commencement of this Act shall continue as nearly as may be to have effect in relation to that Museum thereafter.

Section 10.

THIRD SCHEDULE

SITES OF AUTHORISED REPOSITORIES

PART I

BRITISH MUSEUM

1. So much of the site in London bounded by Great Russell Street, Bloomsbury Street, Bedford Square, Montague Place, Russell Square and Montague Street as was occupied at the commencement of this Act for the purposes of the British Museum.

2. The site in Colindale Avenue, London, occupied at the commencement of this Act for the purposes of the British Museum.

PART II

BRITISH MUSEUM (NATURAL HISTORY)

1. So much of the site in London bounded by Queen's Gate, Cromwell Road, Exhibition Road and Imperial Institute Road as was occupied at the commencement of this Act for the purposes of the British Museum (Natural History).

2. The site in Tring lying to the east of Akeman Street and to the north of Park Street occupied at the commencement of this Act for the purposes of the British Museum (Natural History).

FOURTH SCHEDULE
REPEALS

Section 12.

Session and Chapter	Short Title	Extent of Repeal
26 Geo. 2. c. 22.	The British Museum Act 1753.	The whole Act.
27 Geo. 2. c. 16.	—	Section 3.
7 Geo. 3. c. 18.	The British Museum Act 1767.	The whole Act.
45 Geo. 3. c. 127.	The British Museum Act 1805.	The whole Act.
47 Geo. 3. Sess. 2. c. 36.	The British Museum Act 1807.	The whole Act.
56 Geo. 3. c. 99.	The British Museum Act 1816.	The whole Act.
5 Geo. 4. c. 39.	The British Museum Act 1824.	The whole Act.
5 Geo. 4. c. 60.	The British Museum (No. 2) Act 1824.	The whole Act.
2 & 3 Will. 4. c. 46.	The British Museum Act 1832.	The whole Act.
2 & 3 Vict. c. 10.	—	The whole Act.
41 & 42 Vict. c. 55.	The British Museum Act 1878.	The whole Act.
57 & 58 Vict. c. 34.	The British Museum (Purchase of Land) Act 1894.	Section 1.
2 Edw. 7. c. 12.	The British Museum Act 1902.	The whole Act.
14 & 15 Geo. 5. c. 23.	The British Museum Act 1924.	The whole Act.
20 & 21 Geo. 5. c. 46.	The British Museum Act 1930.	The whole Act.
1 & 2 Geo. 6. c. 62.	The British Museum Act 1938.	The whole Act.
3 & 4 Eliz. 2. c. 23.	The British Museum Act 1955.	The whole Act.
10 & 11 Eliz. 2. c. 18.	The British Museum Act 1962.	The whole Act.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
British Museum Act 1753	26 Geo. 2. c. 22.
Superannuation Act 1859	22 Vict. c. 26.
British Museum (Purchase of Land) Act 1894 ...	57 & 58 Vict. c. 34.
British Museum Act 1938	1 & 2 Geo. 6. c. 62.
Income Tax Act 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 10.
National Gallery and Tate Gallery Act 1954 ...	2 & 3 Eliz. 2. c. 65.
Charities Act 1960	8 & 9 Eliz. 2. c. 58.

1963 CHAPTER 25*Finance Act 1963***ARRANGEMENT OF SECTIONS****PART I****CUSTOMS AND EXCISE****Section**

1. Amendments as to surcharges and rebates in respect of revenue duties.
2. Information as to gaming.
3. Further reductions of customs duties on E.F.T.A. goods.
4. Matches.
5. Repeal of television duty.
6. Brewers not for sale.
7. Tobacco dealers.
8. Amendments as to samples of hydrocarbon oils.
9. Pipe-lines.

PART II**INCOME TAX****CHAPTER I****RATES OF TAX, AND CHANGES IN PERSONAL RELIEFS**

10. Charge of income tax for 1963-64.
11. Surtax rates for 1962-63.
12. Amendments to Part VIII of Act of 1952 (personal etc. reliefs).
13. Child relief: amendments as to child's income.

CHAPTER II**ABOLITION OF CHARGE ON OWNER-OCCUPIERS,
TAXATION OF RENTS AND CONNECTED PROVISIONS***Abolition of Schedule A tax, and taxation of rents, etc.*

14. Abolition of charge on owner-occupiers.
15. Charge to income tax of profits and gains arising from land.
16. Assessment and collection of tax under Case VIII.
17. Relief for rent, etc. not paid.
18. Returns, etc. for purposes of Case VIII.
19. Provisions as to repayments.
20. Transitional provisions for Schedule A tax for 1963-64.
21. Cost of maintenance, repairs, insurance and management for 1963-64.

Provisions as to premiums, etc.

22. Treatment of premiums, etc. as rent.
23. Charge on assignment of lease granted at undervalue.
24. Charge on sale of land with right to reconveyance.
25. Provisions supplemental to ss. 22 to 24.

Miscellaneous

Section

26. Mines, quarries and other concerns.
27. Collection of outstanding Schedule A tax.
28. Amendments as to Schedule B.
29. Cases I and II of Schedule D: amendments in relation to land.
30. Supplemental provisions as to annual value.
31. Deductions in respect of tithe redemption annuities.
32. Interpretation of Chapter II.

CHAPTER III

CAPITAL ALLOWANCES

33. Increase of investment allowances.
34. Doubling of annual allowances for industrial buildings and for dredging.
35. Rates of annual allowances for machinery and plant.
36. Scientific research allowances.
37. Annual allowances for mineral depletion in the United Kingdom.
38. Annual allowances for new machinery and plant in development districts.
39. Annual allowances for new mining expenditure in development districts.
40. Contributions to expenditure for treatment of trade effluents.
41. Motor cars: amendments as to capital allowances and deductions for hiring.
42. Supplemental provisions as to Chapter III.

CHAPTER IV

MISCELLANEOUS

43. Co-operative housing associations.
44. Exemption from tax on housing grants.
45. Overseas Trade Corporations: holding companies.
46. Amendment of s. 130 of Act of 1952 (cessations).
47. Accommodation occupied by holder of office or employment.
48. Dealers in land: provisions as to purchase and sale of woodlands.
49. India, Pakistan and Burma pensions.
50. Certificates of deduction of tax.
51. Deduction of tax from certain dividend payments.

PART III

ESTATE DUTY

52. Extension of exemption for small estates.
53. Gifts in consideration of marriage.
54. Exemption for gifts of land of outstanding scenic, historic or scientific interest.

PART IV

STAMP DUTIES

Reduction of duties

55. Reduced duty on conveyance or transfer on sale.
56. Reduced duty on leases.
57. Miscellaneous reductions.
58. Transitional provisions relating to reduction of duty.

Bearer Instruments

Section

- 59. Stamp duty on bearer instruments.
- 60. Payment of duty.
- 61. Ascertainment of market value.

Miscellaneous

- 62. Commonwealth stock.
- 63. Securities for annual and other payments.
- 64. Gifts in consideration of marriage.
- 65. Miscellaneous exemptions.
- 66. Composition for stamp duty on local authorities' securities.
- 67. Prohibition of circulation of blank transfers.

PART V

MISCELLANEOUS

- 68. Abolition of land tax.
- 69. Profits tax provisions in connection with Part II of this Act.
- 70. Exchequer advances under Finance Act 1956, s. 42.
- 71. Further provision for bearer bonds in respect of government securities.
- 72. Redemption of guaranteed land stock.
- 73. Short title, commencement, construction, extent, amendments and repeals.

SCHEDULES:

Schedule 1—Amendments to Finance Act 1962 as respects Customs Duties on E.F.T.A. goods.

Schedule 2—Brewers' Licences: Consequential Amendments of Act of 1952.

Schedule 3—Relief for National Insurance Contributions: Descriptions of Contributors and Amounts for Relief.

Schedule 4—Deductions from Rents and other Receipts from Land.

Schedule 5—Ascertainment of Annual Value.

Schedule 6—Relief where Premium, etc. treated as Rent.

Schedule 7—Mining, Quarrying, etc. Concerns.

Schedule 8—Transitional Allowances for Annual Value of Trade Premises.

Schedule 9—Allowance of Trading Deduction where Premium etc. Paid.

Schedule 10—Provisions as to Claims under Section 43.

Schedule 11—Stamp Duty Tables—

Part I—Ad valorem duty on conveyance or transfer on sale.

Part II—Revised table of stamp duties on leases (paragraph (3) of heading).

Schedule 12—Amendments arising from Chapter II of Part II of this Act—

Part I—Amendments of the Income Tax Acts.

Part II—Miscellaneous Amendments.

Schedule 13—Repeals arising from Chapter II of Part II of this Act—

- Part I—Income Tax repeals.
- Part II—Profits Tax repeals.
- Part III—Estate Duty repeals.
- Part IV—Other Repeals.

Schedule 14—General Repeals—

- Part I—Customs and Excise repeals.
- Part II—Income Tax repeals.
- Part III—Repeal relating to Estate Duty.
- Part IV—Stamp Duty repeals.
- Part V—Land Tax Redemption repeals.
- Part VI—Other Land Tax repeals.
- Part VII—Irish Land Purchase repeals.
- Part VIII—Miscellaneous 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. [31st July 1963]

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) The period after which orders of the Treasury under section 9 of the Finance Act 1961 may not be made or continue in force (which by section 1(3) of the Finance Act 1962 was extended until the end of August 1963) shall extend until the end of August 1964 or such later date as Parliament may hereafter determine. Amendments as to surcharges and rebates in respect of revenue duties.

PART I

(2) In reckoning, in the case of such an order of which the effect is—

- (a) to reduce or further reduce duty, or
- (b) to revoke or reduce an increase of duty,

the period of twenty-one days specified in paragraph 2(2) of Schedule 3 to the Finance Act 1961 (orders to cease to have effect unless approved by the Commons House within twenty-one days after being made), no account shall be taken of any time during which Parliament is dissolved or prorogued or during which the Commons House is adjourned for more than four days.

Information
as to gaming.

2.—(1) The following provisions of this section shall have effect to provide information for determining whether, and in what manner and to what extent, it is expedient to impose taxation in respect of gaming.

(2) Any person not exempted from the operation of this subsection who in the year ending with July 1963 provided facilities for gaming, otherwise than on private premises and on a domestic occasion, shall before the end of August 1963 notify that fact to the Commissioners.

(3) Any person not exempted from the operation of this subsection who in the year ending with July 1964 provides facilities for gaming, otherwise than as aforesaid, shall unless he has previously given a notification under this or the foregoing subsection notify the Commissioners, within one month after the date on which he provides the facilities, of the fact that he has provided them.

(4) Any person required to give a notification under the foregoing provisions of this section shall within such time and in such form as the Commissioners may require furnish the Commissioners with such information as to the provision or intended provision by him of facilities for gaming, the premises and nature of the gaming concerned, and other matters as the Commissioners may by notice in writing require.

(5) Where any officer has reason to believe that facilities for gaming are being provided, otherwise than as aforesaid, by any person on any premises and are not being provided in such circumstances that the person providing them is exempted from the operation of subsection (3) of this section, and—

- (a) no notification has been given by that person under the foregoing provisions of this section, or

- (b) if such a notification has been given, the person giving it has failed to comply with any requirement made on him under those provisions,

the officer may (but by night only in the company of a constable) enter on and inspect the premises and search for and examine any apparatus capable of being used for gaming.

(6) Any person who in the course of a trade or business manufactures, imports or deals in machines to be used for gaming (including such machines as are described in section 50(2) (amusement machines) of the Betting, Gaming and Lotteries Act 1963) shall, if required to do so by the Commissioners or an officer, furnish such information as may be so required as to his dealings in such machines and shall produce to the Commissioners or an officer any of his records relating to such dealings which he may be so required to produce.

(7) The Treasury may by order made by statutory instrument direct that persons providing facilities for gaming who provide them only in such circumstances (whether related to the kind of gaming, the place or occasion at or on which the facilities are provided, or any other consideration) as may be prescribed by the order shall be exempted from the operation of subsections (2) and (3), or subsection (3), of this section ; and—

- (a) an order under this subsection may be varied or revoked by a subsequent order of the Treasury made by statutory instrument ;
- (b) if an exemption is revoked, anything which but for the exemption would have been required to be done before the revocation (and has not been done) shall be done before the expiration of one month beginning with the revocation.

Any order under this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(8) The Commissioners, if satisfied in any case that there is good reason why anything required to be done by or under the foregoing provisions of this section cannot be, or was not, done within the time limited by or under those provisions, shall extend the time by such period as appears to them to be required.

(9) Any person who fails to give the notification required by subsection (2) or (3) of this section, or to comply with any other requirement of the foregoing provisions of this section, shall be liable to a penalty of one hundred pounds, and if after conviction of a failure to furnish any particulars or information,

PART I

or to produce any records, the failure continues he shall be liable to a further penalty of ten pounds for each day on which it so continues.

(10) References in this section to the provision of facilities for gaming shall be construed as references to—

(a) the provision of accommodation for the carrying on of gaming, or

(b) the provision of apparatus to be used for gaming or the getting together of persons to take part in gaming, or both, and references to facilities shall be construed accordingly, so however that a person shall not be treated for the purposes of the foregoing provisions of this section as a provider of any accommodation or apparatus if he provides it for a person who in turn provides it for other persons or another person.

(11) In this section “gaming” has the same meaning as in the Betting, Gaming and Lotteries Act 1963.

(12) A person receiving any entrance fee or subscription giving a right to use facilities for gaming shall be treated for the purposes of this section as providing such facilities.

Further reductions of customs duties on E.F.T.A. goods.

3. As from the 4th April 1963, in the case of goods of Convention area origin within the meaning of the European Free Trade Association Act 1960—

(a) the duties of customs charged on imported spirits (other than perfumed spirits), the duties of customs and drawbacks of those duties charged or allowed on beer (other than black beer of an original gravity of 1200 degrees or more) and the duties of customs charged on manufactured tobacco (other than Cavendish or Negrohead manufactured in bond) and on snuff and snuff work (including tobacco dust or powder and ground tobacco) shall be reduced to the level of the corresponding Commonwealth rates; and

(b) the duties of customs charged on matches by section 4 of the Finance Act 1951 and on mechanical lighters by section 6 of the Finance Act 1928 shall be reduced to the level of the corresponding rates of excise duty,

and accordingly the Finance Act 1962 (which in section 2 thereof makes provision for reduced rates of the said duties and drawbacks in the case of such goods) shall have effect as from the 4th April 1963 as if for the reference in a provision thereof specified in the first column of Schedule 1 to this Act to

an amount specified in relation thereto in the third column of that Schedule there were substituted a reference to the corresponding amount specified in relation thereto in the fourth column of that Schedule.

PART I

4.—(1) As from the 1st September 1963—

Matches.

- (a) the duties of customs and excise charged on matches by section 4 of the Finance Act 1951 shall be charged at the same rates for matches in containers holding not more than 30 matches as are charged by that section for matches in containers holding more than 30 matches, and accordingly, in subsection (1) of that section, paragraph (a) and in paragraph (b) the words “in containers in which there are more than 30 matches” shall cease to have effect; and
- (b) the duties of excise so charged shall be charged on matches sent out from a manufacturer’s premises, and accordingly, in the said subsection (1), for the words “manufactured in the United Kingdom” there shall be substituted the words “sent out from the premises of a manufacturer of matches”.

(2) As from the 1st September 1963, section 220(1) of the Act of 1952 (which empowers the Commissioners to make, in relation to matches, regulations for the protection of the revenue) shall be amended as follows, that is to say—

- (a) in paragraph (a), for the words “the place of their manufacture”, there shall be substituted the words “the premises of a licensed manufacturer”;
- (b) for paragraph (d) (allowance for matches to be exported or shipped as stores), there shall be substituted the following:—
 - “(d) for authorising the removal from the premises of a licensed manufacturer without payment of duty of matches removed for exportation or shipment as stores or for warehousing, or removed to other premises of that manufacturer or to premises of another licensed manufacturer of matches;”;
- (c) in paragraph (e) (number of matches to be notified on container in the case of imported matches) for the word “imported” there shall be substituted the word “any”.

PART I

(3) In the case of any matches which, immediately before the 1st September 1963, were on the premises of a manufacturer of matches—

- (a) if excise duty on those matches was paid at any time before that date it shall, unless otherwise falling to be repaid, be set off against duty thereafter becoming payable in respect of the matches by virtue of subsection (1)(b) of this section ; or
- (b) if not so paid, excise duty charged on those matches before that date shall be remitted, but without prejudice to any duty thereafter becoming payable by virtue of the said subsection (1)(b).

Repeal of television duty.

5. Television duty shall not be chargeable, under section 2 of the Finance Act 1957, on a licence issued after the end of September 1963.

Brewers not for sale.

6.—(1) No licence for the brewing of beer shall be required by a person who brews only for his own domestic use or for consumption by farm labourers employed by him in the actual course of their labour or employment and is not also a dealer in or retailer of beer ; and the excise duty on beer shall not be chargeable on beer brewed by such a person.

(2) An excise licence under section 125 of the Act of 1952 may be granted authorising the person to whom it is granted to brew beer not for sale and only for his own domestic use or for consumption by any persons employed by him in the actual course of their employment ; and on every such licence there shall be charged a duty of four shillings.

(3) The Act of 1952 shall have effect subject to the amendments specified in Schedule 2 to this Act, being amendments consequential on the foregoing provisions of this section.

(4) Subsection (1) of this section, and subsection (3) thereof and Schedule 2 to this Act so far as they exempt from duty and from requirements as to licensing such persons as are specified in subsection (1) of this section, shall be deemed to have had effect as from the 4th April 1963.

Tobacco dealers.

7.—(1) The excise duty on a tobacco dealer's licence (that is to say, a licence under section 187 of the Act of 1952) is hereby abolished, and no person shall require any excise licence to deal in or sell tobacco ; but a tobacco dealer shall nevertheless be deemed for the purposes of the Act of 1952 to be carrying on an excise trade and to be an excise trader.

(2) In the foregoing subsection and in the Act of 1952 "tobacco dealer" shall mean a person who deals in or sells tobacco in the course of a trade or business carried on by him.

(3) Any person who at the passing of this Act is the holder of a tobacco dealer's licence (or, if the last holder of such a licence is then dead, his personal representative) shall be entitled in respect of the duty on it to a repayment—

if the licence would have expired with the year 1963, of 2s. 6d. ;

if with the year 1964, of 7s. 6d. ;

if with the year 1965, of 12s. 6d. ;

if with the year 1966, of 17s. 6d.

(4) Section 248(1) of the Act of 1952 (searching of excise trader's premises) shall apply to vehicles, vessels, aircraft or structures in or from which tobacco is sold or dealt in as it applies to premises.

(5) Subsection (1) of this section shall be deemed to have come into force on the 4th April 1963.

8.—(1) Part II of Schedule 2 to the Finance Act 1960 (which makes provision with respect to samples of heavy oils taken in pursuance of regulations made by virtue of section 9 of that Act) shall apply in relation to light oils as it applies in relation to heavy oils, and accordingly the word "heavy" in section 9(4) of that Act and in paragraph 3 of Part II of the said Schedule 2 shall cease to have effect.

Amendments
as to samples
of hydrocarbon
oils.

(2) In Part II of the said Schedule 2, paragraph 2 (which provides that the result of an analysis of a sample so taken shall not be admissible in certain criminal proceedings unless the requirements there specified have been complied with) and paragraph 3 (which, in such proceedings, enables the results of an analysis to be proved by the production of an analyst's certificate) shall apply to all proceedings under the customs and excise Acts, and accordingly—

(a) in sub-paragraph (1) of the said paragraph 2, for the words from "proceedings" to "that Act" there shall be substituted the words "criminal proceedings under the customs or excise Acts or on behalf of the Commissioners in any civil proceedings under those Acts"; and

(b) in the said paragraph 3, for paragraphs (a) and (b) of the proviso there shall be substituted the following—

"(a) unless a copy thereof has, not less than seven days before the hearing, been served by the prosecutor or, in the case of civil proceedings, the Commissioners on all other parties to the proceedings:
or

PART I

(b) if any of those other parties, not less than three days before the hearing or within such further time as the court may in special circumstances allow, serves notice on the prosecutor or, as the case may be, the Commissioners requiring the attendance at the hearing of the person by whom the analysis was made."

Pipe-lines.

9.—(1) The Commissioners may, for the purposes of either or both of the two next following subsections, approve a pipe-line for such period, and subject to such conditions, as they think fit.

(2) So long as a pipe-line is approved for the purposes of this subsection, then (subject to any conditions which the Commissioners think fit to impose) goods of such class or description as may for the time being be specified by them in relation to the line may, by means of it, be delivered on importation without payment of any duty chargeable thereon in any circumstances in which, apart from this subsection, the delivery on importation of goods of that class or description without such payment would not be lawful; but where, by virtue of this subsection, goods are, by means of a pipe-line, delivered on importation without payment of duty with which they are chargeable—

- (a) the owner of the line shall, at the time of the discharge of the goods from the line, pay on the goods, at the rate in force at that time with respect thereto, any duty of customs then chargeable thereon, and section 34(2) of the Act of 1952 (duties, and rates thereof, chargeable on imported goods) shall not apply;
- (b) if at any time the goods are found to be missing or deficient, and it is not shown to the satisfaction of the Commissioners that their absence or deficiency can be accounted for by natural waste or other legitimate cause, then without prejudice to any penalty or forfeiture incurred under any provision of the Act of 1952 the Commissioners may require the owner of the line or the proprietor of the goods to pay immediately in respect of the missing goods or of the whole or any part of the deficiency, as they see fit, the duty on the goods.

(3) The following provisions shall have effect with respect to the removal of goods from a warehouse without payment of duty chargeable thereon, namely,—

- (a) where, apart from this subsection, goods may lawfully be removed from a warehouse without such payment as aforesaid, it shall not be lawful for them so to be removed by means of a pipe-line that is not for the

time being approved for the purposes of this subsection ;

- (b) so long as a pipe-line is so approved, then (subject to any conditions which the Commissioners think fit to impose) goods of such class or description as may for the time being be specified by them in relation to the line may, by means of it, be removed from a warehouse without payment of any duty chargeable thereon in any circumstances in which, apart from this subsection, the removal of goods of that class or description from the warehouse without such payment would not be lawful ;

but where, by virtue of paragraph (b) of this subsection, goods are, by means of a pipe-line, removed from a warehouse without payment of duty with which they are chargeable, the owner of the line shall, at the time of the discharge of the goods from the line, pay on the goods, at the rate in force at that time, any duty of customs or excise then chargeable thereon, and section 88(1) of the Act of 1952 (duties, and rates thereof, chargeable on warehoused goods) shall not apply.

- (4) The Commissioners may at any time for reasonable cause vary the terms of their approval of a pipe-line under subsection (1) above and may at any time for like cause (provided that they have given to the owner of the line not less than three months' written notice of their intention so to do) revoke their approval of a pipe-line under that subsection.

Section 49 of the Pipe-lines Act 1962 shall apply to a notice required by this subsection to be served on the owner of a pipe-line as it applies to a document required by that Act to be so served.

(5) A person—

- (a) who contravenes or fails to comply with a condition imposed by the Commissioners under subsection (1), (2) or (3) above shall be liable to a penalty of one hundred pounds ;
- (b) who, on the written demand of an officer, refuses to pay any sum required to be paid under subsection (2)(b) above shall in addition be liable to a penalty of double that sum ;
- (c) who, except with the authority of the proper officer or for just and sufficient cause, obtains access to goods in course of conveyance by a pipe-line, being goods chargeable with a duty of customs or excise which has not been paid, shall be liable to a penalty of five hundred pounds and may be detained.

- (6) Section 82(3) of the Act of 1952 (which, save in the circumstances therein mentioned, protects the Commissioners

PART I and their officers from claims for loss or damage to goods in warehouse or for unlawful removal of goods from a warehouse shall have effect so as to protect them, save in corresponding circumstances, from claims for loss or damage to goods in pipe-line or for unlawful removal of goods from a pipe-line; references to a pipe-line, to goods in a pipe-line and to the owner of the pipe-line being substituted for references respectively to a warehouse, to warehoused goods and to the occupier of the warehouse.

(7) In this section—

“owner”, in relation to a pipe-line, means (except in the case of a pipe-line vested in the Crown which pursuant to arrangements in that behalf is operated by another) the person in whom the line is vested and in the said excepted case, means the person operating the line;

“pipe-line” has the same meaning as it has for the purposes of the Pipe-lines Act 1962.

(8) In the application of this section to Northern Ireland references to the Pipe-lines Act 1962 shall have effect as if the Act extended to Northern Ireland.

PART II

INCOME TAX

CHAPTER I

RATES OF TAX, AND CHANGES IN PERSONAL RELIEFS

Charge of income tax for 1963-64.

10. Income tax for the year 1963-64 shall be charged at the standard rate of 7s. 9d. in the pound, and in the case of an individual whose total income exceeds £2,000 at such higher rates in respect of the excess as Parliament may hereafter determine.

Surtax rates for 1962-63.

11. Income tax for the year 1962-63 shall be charged, in the case of an individual whose total income exceeded £2,000, the same higher rates in respect of the excess as were charged for the year 1961-62.

Amendments to Part VIII of Act of 1952 (personal etc. reliefs).

12.—(1) In section 210 of the Act of 1952 (personal reliefs) in paragraph (a) of subsection (1) (married) for the reference to £240 (inserted by section 2(3) of the Finance Act 1955) there shall be substituted a reference to £320, and in paragraph (b) of that subsection (single) for the reference to £140 (inserted by the aforesaid) there shall be substituted a reference to £200; and in subsection (2) of the said section 210 (wife's earned income relief) for the reference to £140 (the maximum amount of that relief) there shall be substituted a reference to £200.

(2) In section 211(2) and (3) of the Act of 1952 (old age relief) as amended by section 14(2) of the Finance Act 1958, for the references to £800 (maximum income qualifying for full relief) there shall be substituted references to £900.

(3) In section 212 of the Act of 1952 (child relief), in the subsection (1A) inserted by section 12(3) of the Finance Act 1957, for the references to £150, £125, and £100 (being the amounts appropriate to children over sixteen, between eleven and sixteen, and not over eleven) there shall be substituted respectively references to £165, £140, and £115; and in subsection (4) of that section (maximum income of child if claimant not to be disqualified for relief) for the reference to £100 (inserted by section 12(4) of the Finance Act 1957) there shall be substituted a reference to £115.

(4) The amounts of £230 and £155 (relating to the total income of the dependent relative) specified, for the purposes of section 216 of the Act of 1952, by section 15 of the Finance Act 1961 shall each be increased by £25.

(5) The following Table shall be substituted for the Table set out in section 220(1) of the Act of 1952 (reduced rate relief) as amended by section 2(7) of the Finance Act 1955:—

TABLE

Where the relevant amount—

does not exceed £100 ...	a deduction equal to 3s. 9d. for each pound of the relevant amount.
does exceed £100, but does not exceed £300	the same deduction as if the relevant amount were £100, plus 1s. 9d. for each pound of the relevant amount in excess of £100.
exceeds £300	the same deduction as if the relevant amount were £300.

(6) In section 15 of the Finance Act 1952 (small income relief), as amended by section 8(1) of the Finance Act 1962, for the reference in subsection (1) to £400 (maximum income for full relief) and the corresponding references in subsection (2) there shall be substituted references to £450; and in the said subsection (2), as so amended, for the reference to £550 (the limit for marginal relief) there shall be substituted a reference to £680.

(7) In section 13 of the Finance Act 1957 (relief for persons over sixty-five with small incomes) in subsection (1)(a)(i), as

PART II

amended by section 8(2) of the Finance Act 1962, for the reference to £300 (maximum income qualifying for full relief to a single man) there shall be substituted a reference to £325, and in subsection (1)(a)(ii), as so amended, for the reference to £480 (maximum income for full relief to a married man) there shall be substituted a reference to £520; and the like substitutions shall be made in paragraph (b) of that subsection (marginal relief).

(8) Section 19 of the Finance Act 1960 (relief for National Insurance contributions), as amended by section 16 of the Finance Act 1961, shall have effect as if for the Table set out in Part I of Schedule 3 to the said Act of 1960 there were substituted the Table set out in Schedule 3 to this Act, and as if in paragraph 2 of Part II of the said Schedule 3 to the Act of 1960 for references to £5, £18, and £8 there were substituted respectively references to £7, £22 and £10.

(9) The amounts of tax deductible or repayable under section 157 (pay as you earn) of the Act of 1952 before the 6th July 1963 shall not be deemed to have been affected by the foregoing provisions of this section, but this subsection shall not prevent the resulting over-deductions or under-repayments from being adjusted subsequently by means of diminished deductions or increased repayments under that section or, if need be, by an assessment.

Child relief:
amendments
as to child's
income.

13. Section 212 of the Act of 1952 (child relief) shall have effect for the year 1964-65 and subsequent years of assessment as if subsection (4) (which, as amended by section 12(3) of this Act, precludes the allowing of relief where the child's own income exceeds £115 a year, but in the proviso directs income from a scholarship or similar source to be disregarded) were amended by the substitution of the following for the words preceding the proviso:—

“(4) In the case of a child who is entitled in his own right to an income exceeding £115 a year the appropriate amount for the child shall be reduced by the amount of the excess, and accordingly no relief shall be allowed under this section where the excess is equal to or greater than the amount which apart from this subsection would be the appropriate amount for the child:”

and as if in the subsection (1A) inserted by section 12(3) of the Finance Act 1957 there were inserted, after the words “assessment, and”, the words “subject to subsection (4) of this section”.

CHAPTER II

PART II

ABOLITION OF CHARGE ON OWNER-OCCUPIERS, TAXATION OF RENTS AND CONNECTED PROVISIONS

Abolition of Schedule A tax, and taxation of rents, etc.

14.—(1) For the purpose of removing from the charge to income tax the occupier's beneficial interest in land in the United Kingdom,—

Abolition of charge on owner-occupiers.

- (a) Schedule A shall cease to have effect ; and
- (b) the provisions in that behalf of this Chapter shall have effect for charging under a new Case of Schedule D rents and certain other receipts from such land.

(2) The foregoing subsection has effect, as respects the year 1963-64, subject to the transitional provisions hereinafter contained.

15.—(1) Without prejudice to any other provisions of the Income Tax Acts directing income tax to be charged under Schedule D, tax under that Schedule shall be charged, subject to and in accordance with the provisions of this Act, on the annual profits or gains arising in respect of any such rents or receipts as follow, that is to say—

Charge to income tax of profits and gains arising from land.

- (a) rents under leases of land in the United Kingdom ;
- (b) rentcharges, ground annuals and feu duties, and any other annual payments reserved in respect of, or charged on or issuing out of, such land ;
- (c) other receipts arising to a person from, or by virtue of, his ownership of an estate or interest in or right over such land or any incorporeal hereditament or incorporeal heritable subject in the United Kingdom :

Provided that the said rents or receipts do not include yearly interest or any payment charged to tax under section 180 (mineral rents and royalties, etc.) of the Act of 1952.

(2) Tax charged under Schedule D by virtue of this section shall be charged under a new Case VIII of that Schedule (hereinafter referred to as " Case VIII "), and shall be charged by reference to the rents or receipts to which a person becomes entitled in the year of assessment.

(3) In computing for the purposes of Case VIII the profits or gains arising to a person in any year of assessment, such deductions shall be made from any rents or receipts to which he becomes entitled in the year as are provided for by Schedule 4 to this Act.

(4) Notwithstanding anything in subsection (2) of this section, where rent is payable under a lease under which the tenant is entitled to the use of furniture, and tax in respect of the payment for its use is chargeable under Case VI of Schedule D, tax in

PART II

respect of the rent shall be charged under Case VI of Schedule D unless the landlord, by notice in writing to the surveyor given within two years after the end of the year of assessment, requires that this provision shall not apply.

Where notice is given under this subsection any adjustment of the liability to tax of the person giving the notice which is required in consequence thereof may be made by an additional assessment or by repayment or otherwise, as the case may require.

Assessment
and collection
of tax
under
Case VIII.

16.—(1) The profits or gains arising to a person for any year of assessment which are assessable to tax under Case VIII may either be assessed in one assessment—

- (a) in a division in which they would be assessable apart from this subsection, or
- (b) in a division in which are situated all or any of the premises from which profits or gains so assessable may arise to him for the year of assessment,

or may be assessed in one or more separate assessments in any division in which there are such premises, or may be assessed partly in the one way and partly in the other.

(2) Where an assessment to tax under Case VIII for any year of assessment is made in that year,—

- (a) it shall be made on the basis that all sources of income and all amounts relevant in computing profits or gains are the same as for the last preceding year of assessment, and
- (b) tax shall be leviable accordingly, but any necessary adjustments shall be made after the end of the year, whether by way of additional assessment, repayment of tax or otherwise, to secure that tax is charged by reference to the rents or receipts to which the person assessed becomes entitled in the year of assessment:

Provided that if before the 1st January in any year a person delivers a statement in writing to the surveyor—

- (i) showing that since the beginning of the last preceding year of assessment he has ceased to possess one or more sources of income chargeable under Case VIII; and
- (ii) giving the aggregate of the rents and receipts relevant for purposes of Case VIII to which he has become or is likely to become entitled in the current year; and
- (iii) showing that that aggregate is less than the aggregate of such rents and receipts to which he became entitled

in the last preceding year, and that it would not have been less if he had not ceased to possess the said source or sources,

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then, if the surveyor is satisfied as to the correctness of the declaration, an assessment made on that person in the current year shall be made on an amount which bears to the amount arrived at under paragraph (a) of this subsection the same proportion as the said aggregate for the current year bears to the said aggregate for the last preceding year, and paragraph (b) of this subsection shall apply accordingly.

(3) Any additional assessment under Case VIII may be made and signed by the surveyor.

(4) Where any tax under Case VIII is charged in respect of profits or gains arising from any land to a person who is not the occupier of the land, but the tax is not paid by that person (in this subsection referred to as "the person in default"), it may be recovered in accordance with the following provisions:—

- (a) subject to the following paragraph, the collector may from time to time by notice in writing, in such form as may be prescribed by the Commissioners of Inland Revenue, require any lessee of the land or any part thereof whose interest is derived (directly or indirectly) from that held by the person in default (in this subsection referred to as "a derivative lessee") to make to him payment, on the date or dates specified in the notice, of such sum or sums as may be required to satisfy the tax;
- (b) the sum demanded from a derivative lessee to be paid during any period shall not exceed the amount of the rent or other payments arising out of the land which becomes due from him at the end of the period and payable to the person in default or to another derivative lessee;
- (c) in default of payment by a derivative lessee of any amount duly demanded of him under this subsection, that amount may be recovered from him in like manner as if he had been charged with tax of that amount;
- (d) where any sum on account of tax has been collected from a derivative lessee in pursuance of this subsection, he may deduct that sum from any subsequent payment arising as aforesaid and payable to the person in default or to another derivative lessee, and shall be acquitted and discharged of the amount so deducted;
- (e) where under the foregoing paragraph, or under that paragraph as applied by this paragraph, a sum is

L

PART II

deducted from an amount payable to another derivative lessee, that paragraph shall apply as if the sum had been collected from him under a demand made under this subsection by the collector, and where the amounts from which under that paragraph he is entitled to make deductions in respect of that sum during the following twelve months are less than that sum, he shall be entitled to recover from the Commissioners of Inland Revenue an amount equal to the difference, which shall be treated as reducing the tax recovered under this subsection.

(5) Where any person (hereinafter referred to as "the agent") is in receipt of rents or receipts from land on behalf of another person (hereinafter referred to as "the principal"), and any tax under Case VIII charged on the principal has not been paid, the collector may by notice in writing, in such form as may be prescribed by the Commissioners of Inland Revenue, require the agent to pay to the collector in or towards the satisfaction of the tax any sums from time to time received by the agent on behalf of the principal on account of rents or receipts from any land (including any sums so received which are in his hands when the notice is given) until the liability in respect of the tax has been satisfied; and the agent shall pay all such sums over to the collector accordingly and the payment shall acquit and discharge him as against the person on whose behalf he received them.

If the agent fails to comply with the requirements of a notice duly served on him, he shall be liable to a penalty not exceeding fifty pounds for each failure, non-compliance as respects sums in his hands when the notice is given, or as respects any one payment subsequently received by him, being treated as a separate failure.

(6) Section 369 of the Act of 1952 (taxation of non-residents in name of agent) shall not apply to tax on profits or gains chargeable to tax under Case VIII, or on any of the profits or gains chargeable under Case VI of Schedule D—

- (a) in a case falling within subsection (4) of the foregoing section, or
- (b) which arise under the terms of a lease, but to a person other than the landlord, or otherwise arise out of any disposition or contract such that if they arose to the person making it they would be chargeable under Case VIII,

where payment is made (whether in the United Kingdom or elsewhere) directly to a person whose usual place of abode is outside the United Kingdom, but section 170 of the Act of 1952 shall apply in relation to the payment as it applies to other

payments being annual payments charged with tax under Schedule D and not payable out of profits or gains brought into charge to tax.

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(7) Where by virtue of the foregoing subsection the tax chargeable for any year of assessment on a person's profits or gains chargeable to tax under either or both of the Cases therein mentioned would apart from this subsection be greater than the tax which would be chargeable thereon apart from subsection (2) of this section, then on a claim in that behalf being made relief shall be given from the excess, whether by repayment or otherwise.

- 17.—(1) Where on a claim in that behalf a person proves—
- (a) that he has not received an amount which he was entitled to receive in respect of any rents or receipts on the profits or gains arising from which he would be chargeable under Case VIII, and
 - (b) if the non-receipt of the said amount was attributable to the default of the person by whom it was payable, that the claimant has taken any reasonable steps available to him to enforce payment,
 - (c) if the claimant waived payment of the said amount, that the waiver was made without consideration and was reasonably made in order to avoid hardship,

Relief for
rent, etc.
not paid.

the claimant shall be treated for tax purposes for all relevant years of assessment as if he had not been entitled to the said amount, and such adjustment shall be made, by repayment or otherwise, as the case may require; but if all or any part of the said amount is subsequently received, the claimant or, if he is dead, his executors or administrators shall not later than six months thereafter give notice in writing of its receipt to the surveyor, and such re-adjustment of liability to tax (for all relevant years of assessment) shall be made as may be necessary and may be made at any time at which it could be made if it related only to tax for the year of assessment in which the amount, or the part of the amount, is received.

(2) The foregoing subsection shall be deemed to be included in the third column of Schedule 6 to the Finance Act 1960 (relating to penalties on persons failing to furnish particulars or furnishing false particulars).

18.—(1) For the purpose of obtaining particulars of profits or gains chargeable to tax under Case VIII, the surveyor may by notice in writing require—

Returns, etc.
for purposes
of Case VIII.

- (a) any lessee, occupier, or former lessee or occupier of land (including any person having, or having had, the use of land) to give such information as may be prescribed by the Commissioners of Inland Revenue as

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to the terms applying to the lease, occupation or use of the land, and where any of those terms are established by any written instrument, to produce the instrument to the surveyor ;

- (b) any lessee or former lessee of land to give such information as may be so prescribed as to any consideration given for the grant or assignment to him of the tenancy ;
- (c) any person who as agent manages land or is in receipt of rent or other payments arising from land to furnish the surveyor with such particulars relating to payments arising therefrom as may be specified in the notice.

(2) The foregoing subsection shall be deemed to be included in the second column of Schedule 6 to the Finance Act 1960 (relating to penalties on persons, other than the taxpayer, failing to furnish particulars or furnishing false particulars).

Provisions as to repayments.

19. The provisions of Schedule 6 to the Act of 1952 shall apply to any claim for relief under the provisions of this Chapter :

Provided that—

- (a) any such claim shall be made in such form as the Commissioners of Inland Revenue may direct and shall be delivered to the surveyor ;
- (b) where the surveyor objects to a 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 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.

Transitional provisions for Schedule A tax for 1963-64.

20.—(1) Section 15 of this Act shall not have effect as respects tax for the year 1963-64, and—

- (a) paragraph (a) of section 14(1) of this Act shall not have effect as respects tax for that year, but
- (b) the occupier of a unit of assessment shall not be assessed to tax under Schedule A for that year unless he is liable in respect of the unit to pay rent under a short lease (within the meaning of section 173 of the Act of 1952) or to make any other payment, not being one specified in the proviso to section 15(1) of this Act, on which he may deduct tax, and if so assessed shall not be

assessed on any amount such that as reduced for the purpose of collection it exceeds the amount on which tax may be deducted ;

(c) the landlord shall not be so assessed (by virtue of section 109 or 110 of the Act of 1952) on any amount such that as reduced for the purpose of collection it exceeds the greater of the two following amounts, that is to say—

(i) the rent to which he is entitled, less any rates or other charge or composition specified in section 86(1) of the Act of 1952 (deduction for tenant's rates etc.) paid by him,

(ii) the amount of any payment on which tax may be deducted by him as mentioned in paragraph (b) above.

(2) Subject to the provisions of this section,—

(a) no claim under section 101 of the Act of 1952 (maintenance claims) shall be made as respects tax for the year 1963-64 by the occupier of the unit of assessment, and

(b) a landlord shall not be entitled under the said section 101 to repayment of tax for 1963-64 on an amount greater than the excess (if any) of the amount specified in sub-paragraph (i) above over that specified in sub-paragraph (ii) above.

(3) References in the foregoing provisions of this section to the occupier shall be construed, where different parts of a unit of assessment are the subject of separate occupations, and an immediate lessor (within the meaning of Chapter II of Part VII of the Act of 1952) is in occupation of a part, as references to the immediate lessor, but in such a case—

(a) subsection (1)(b) of this section shall apply only (and with any necessary apportionment) as respects so much of the unit as is in the occupation of the immediate lessor, and

(b) subsection (2) (a) of this section shall not prevent a claim by the immediate lessor in respect of so much of the cost of maintenance, repairs, insurance and management as is attributable to any part of the unit of assessment not in his occupation.

(4) Where any of the circumstances relevant to the existence or amount of liability to tax under Schedule A for the year 1963-64 are not the same at the time as at which that liability falls to be determined as at another time (whether earlier or later) in the year, the relief (if any) from such tax to be given under the foregoing provisions of this section shall be such as

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is appropriate having regard to the different circumstances and the proportion of the year for which they obtained ; and for the purpose of securing that any amount of tax to be levied shall be borne by the right person and in the right proportions such assessments or additional assessments, or repayments of tax, shall be made as may be just, regard being had to any arrangements made between the persons concerned.

(5) Paragraph 7 of Schedule 4 to this Act shall apply in relation to the year 1963-64 as it applies in relation to subsequent years, but with the substitution for sub-paragraph (1) of the following sub-paragraph :—

“(1) Where this paragraph applies to an estate for the year 1963-64 the owner shall be treated for the purposes of tax under Schedule A or under Chapter II of Part VII of the Act of 1952 (excess rents) as if he were not the occupier of any part of the estate occupied by him, and as if—

- (a) in relation to a part of the estate which for any period in the year is not comprised in a lease under which he is the landlord, he were entitled under a lease of that part to rent for the said period, becoming due from day to day, at a rate per annum equal to the annual value of that part ascertained in accordance with Schedule 5 to this Act ; and
- (b) in relation to a part of the estate which for any period in the year is comprised in a lease under which he is the landlord, the rent, so far as it relates to that part, were at a rate per annum not less than the annual value of that part ascertained in accordance with the said Schedule 5.”

but as respects any period during which the sub-paragraph (1) hereinbefore contained does not exclude the operation of sub-section (2)(a) of this section, the cost of the maintenance, repairs, insurance and management of any part of the land referred to in that sub-paragraph as the estate, being a part in the occupation of the owner, shall be disregarded in the application of section 101(4) of the Act of 1952 to the land.

(6) Paragraph 9 of Schedule 4 to this Act, and the provisions of paragraph 10 of that Schedule modifying the application of the said paragraph 9 in certain cases, shall apply for the purpose of computing rent payable by a person in determining his liability to tax for the year 1963-64 under section 175 or 176 (excess rents) of the Act of 1952 as they apply for the purpose of computing amounts deductible for purposes of Case VIII in subsequent years.

(7) The amounts of tax deductible or repayable under section 157 (pay as you earn) of the Act of 1952 before the 6th July

1963 shall not be deemed to have been affected by the foregoing provisions of this Chapter, but any necessary adjustment of a person's liability to tax shall be made by adjusting subsequent deductions or repayments or, if need be, by an assessment.

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21.—(1) In the case of any person who became the owner of a unit of assessment during the year 1963-64, an allowance under section 101 of the Act of 1952 in respect of the unit of assessment for that year shall be computed as if that section required the cost of maintenance, repairs, insurance and management to be ascertained on the basis of the actual cost in the year instead of according to the average of the preceding five years, and as if subsection (2) of that section (by virtue of which "maintenance" includes the replacement of farm buildings, etc.) were omitted.

Cost of maintenance, repairs, insurance and management for 1963-64.

(2) The foregoing provisions of this section shall apply in relation to section 176(1)(g) of the Act of 1952 (deduction for maintenance etc. in taxing excess rents under certain short leases) as they apply in relation to section 101 of that Act, but with the substitution—

- (a) for references to a unit of assessment of references to land in respect of the excess rents for which the person in question is chargeable to tax under the said section 176, and
- (b) for the reference to an owner of a reference to a lessor.

Provisions as to premiums, etc.

22.—(1) Where the payment of any premium is required under a lease, or otherwise under the terms subject to which a lease is granted, and the duration of the lease does not exceed fifty years, the landlord shall be treated for the purposes of the Income Tax Acts as becoming entitled, when the lease is granted, to an amount by way of rent (in addition to any actual rent) equal to the amount of the premium reduced by one-fiftieth of that amount for each complete period of twelve months (other than the first) comprised in the duration of the lease.

Treatment of premiums, etc. as rent.

(2) Where the terms subject to which a lease is granted impose on the tenant an obligation to carry out any work on the premises, the lease shall be deemed for the purposes of this section to have required the payment of a premium to the landlord (in addition to any other premium) of an amount equal to the amount by which the value of the landlord's estate or interest, immediately after the commencement of the lease, exceeds what its then value would have been if the said terms did not impose that obligation on the tenant:

Provided that this subsection shall not apply in so far as the obligation requires the carrying out of work payment for which

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would, if the landlord and not the tenant were obliged to carry it out, be deductible from the rent under Schedule 4 to this Act.

(3) Where, under the terms subject to which a lease is granted, a sum becomes payable by the tenant in lieu of the whole or a part of the rent for any period, or as consideration for the surrender of the lease, the lease shall be deemed for the purposes of this section to have required the payment of a premium to the landlord (in addition to any other premium) of the amount of that sum ; but—

- (a) in computing tax chargeable by virtue of this subsection in respect of a sum payable in lieu of rent, the duration of the lease shall be treated as not including any period other than that in relation to which the sum is payable ;
- (b) notwithstanding anything in subsection (1) of this section, rent treated as arising by virtue of this subsection shall be deemed to become due when the sum in question becomes payable by the tenant.

(4) Where, as consideration for the variation or waiver of any of the terms of a lease, a sum becomes payable by the tenant otherwise than by way of rent, the lease shall be deemed for the purposes of this section to have required the payment of a premium to the landlord (in addition to any other premium) of the amount of that sum ; but in computing tax chargeable by virtue of this subsection the duration of the lease shall be treated as not including any period which precedes the time at which the variation or waiver takes effect or falls after the time at which the variation or waiver ceases to have effect, and notwithstanding anything in subsection (1) of this section rent treated as arising by virtue of this subsection shall be deemed to become due when the contract providing for the variation or waiver is entered into.

(5) Where a payment falling within subsection (1), (3) or (4) of this section is due to a person other than the landlord, no charge to tax shall arise under that subsection, but any amount which would otherwise fall to be treated as rent shall be treated as profits or gains of that other person chargeable under Case VI of Schedule D :

Provided that where the amount relates to a payment falling within the said subsection (4) it shall not be so treated unless the payment is due to a person connected with the landlord.

(6) Where an amount by reference to which a person is chargeable to tax by virtue of this section is payable by instalments, he may, before the expiration of the year of assessment following that in which he becomes entitled to the first such instalment, by notice in writing to the surveyor claim that the

tax chargeable by reference to that amount shall, instead of being computed in accordance with the foregoing provisions of this section, be computed as if each instalment were rent payable under the lease or, in the case of instalments payable to a person other than the landlord, or payable to a person after he has ceased to be the landlord, were an annual profit or gain chargeable to tax under Case VI of Schedule D, and where a claim is so made all such additional assessments, alterations of assessments and repayments of tax shall be made as may be necessary.

(7) Section 16(2) of this Act shall not apply in relation to amounts which in computing profits or gains under Case VIII are relevant only by virtue of the foregoing provisions of this section.

(8) Where by virtue of this section a person is treated as becoming entitled in the year 1963-64 to any rent in respect of a unit of assessment, the computation under section 175(1) (excess rents) of the Act of 1952 of the amount which would have been the amount of the assessment of the unit for the purposes of Schedule A, as reduced for the purpose of collection, if the annual value had been determined (having regard to that rent) as therein mentioned shall be made without increasing, on account of that rent, the amount by which the assessment would have been reduced for the purpose of collection.

23.—(1) Where the terms subject to which a lease of a duration not exceeding fifty years was granted are such that the grantor, having regard to values prevailing at the time it was granted, and on the assumption that the negotiations for the lease were at arm's length, could have required the payment of an additional sum (hereinafter referred to as "the amount foregone") by way of premium, or additional premium, for the grant of the lease, then, on any assignment of the lease for a consideration—

Charge on assignment of lease granted at undervalue.

(a) where the lease has not previously been assigned, exceeding the premium (if any) for which it was granted, or

(b) where the lease has been previously assigned, exceeding the consideration for which it was last assigned,

the amount of the excess, in so far as it is not greater than the amount foregone reduced by the amount of any such excess arising on a previous assignment of the lease, shall in the same proportion as the amount foregone would under section 22(1) of this Act have fallen to be treated as rent if it had been a premium under the lease, be treated as profits or gains of the assignor chargeable to tax under Case VI of Schedule D.

(2) If there is submitted to the surveyor, by the grantor or any assignor or assignee of the lease, a statement showing

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PART II

whether or not a charge to tax arises or may arise under this section, and if so the amount on which the charge arises or may arise, then if the surveyor is satisfied as to the accuracy of the statement he shall certify the accuracy thereof.

Charge on sale of land with right to reconveyance.

24.—(1) Where the terms subject to which an estate or interest in land is sold provide that it shall be, or may be required to be, reconveyed at a future date to the vendor or a person connected with him, the vendor shall be chargeable to tax under Case VI of Schedule D on any amount by which the price at which the estate or interest is sold exceeds the price at which it is to be reconveyed or, if the earliest date at which, in accordance with those terms, it would fall to be reconveyed is a date two years or more after the sale, on that excess reduced by one-fiftieth thereof for each complete year (other than the first) in the period between the sale and that date.

(2) Where under the terms of the sale the date of the reconveyance is not fixed, then—

- (a) if the price on reconveyance varies with the date, the price shall be taken for the purposes of this section to be the lowest possible under the terms of the sale;
- (b) the vendor may, before the expiration of six years after the date on which the reconveyance takes place, claim repayment of any amount by which tax assessed on him by virtue of this section exceeded the amount which would have been so assessed if that date had been treated for the purposes of this section as the date fixed by the terms of the sale.

(3) Where the terms of the sale provide for the grant of a lease directly or indirectly out of the estate or interest to the vendor or a person connected with him, this section shall apply as if the grant of the lease were a reconveyance of the estate or interest at a price equal to the sum of the amount of the premium (if any) for the lease and the value at the date of the sale of the right to receive a conveyance of the reversion immediately after the lease begins to run:

Provided that this subsection shall not apply if the lease is granted, and begins to run, within one month after the sale.

Provisions supplemental to ss. 22 to 24.

25.—(1) Paragraph 8 of Schedule 4 to this Act, and the provisions of paragraph 10 of that Schedule modifying the application of the said paragraph 8 in certain cases, shall have effect for reducing or removing a charge to tax imposed otherwise than under Case VIII by virtue of any of the three foregoing sections (excluding section 22(6)) as they have effect in relation to a charge to tax imposed under Case VIII; and the provisions of Schedule 6 to this Act shall have effect for giving

relief, on a claim being made by him in that behalf, from any increase in an individual's liability to tax which is attributable to amounts being treated by virtue of any of the three foregoing sections (excluding section 22(6)) as receipts for a single year of assessment rather than as receipts for the period in relation to which they are chargeable.

(2) Sections 16(6), 17 and 18 of this Act shall apply in relation to sums chargeable to tax under Case VI of Schedule D by virtue of any provision of the three foregoing sections as they apply to profits or gains chargeable to tax under Case VIII.

(3) In relation to amounts which by virtue of any provision of the three foregoing sections would, in the case of a person resident in the Republic of Ireland and not resident in the United Kingdom, be included in his income if he were not resident in the Republic of Ireland, Chapter IV (prevention of tax avoidance by means of transactions resulting in the transfer of income to persons abroad) of Part XVIII of the Act of 1952 shall apply as if his income included those amounts and as if references to an individual included references to any person, but shall so apply as if subsection (3) of section 412 (which provides relief for certain transactions) were omitted.

(4) For the purposes of section 346 (loss relief under Case VI of Schedule D) of the Act of 1952, a loss sustained in a transaction falling within any of the three foregoing sections shall be disregarded.

(5) In ascertaining for the purposes of the three foregoing sections the duration of a lease, the following provisions shall have effect:—

- (a) where the terms of the lease include provision for the determination thereof by notice given either by the landlord or by the tenant, the lease shall not be treated as granted for a term longer than one ending at the earliest date on which it could be determined by notice;
- (b) where any of the terms of the lease (whether relating to forfeiture or to any other matter) or any other circumstances render it unlikely that the lease will continue beyond a date falling before the expiration of the term of the lease, the lease shall not be treated as having been granted for a term longer than one ending on that date:

Provided that where the duration of a lease falls to be ascertained after a date on which the lease has for any reason come to an end, the duration shall be taken to have extended from its commencement to that date, and where the

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duration falls to be ascertained at a time when the lease is subsisting the provisions of the foregoing paragraphs shall be applied in accordance with circumstances prevailing at that time.

(6) Nothing in the three foregoing sections shall apply in relation to a lease granted or an estate or interest in land sold before the beginning of the year 1963-64 or in pursuance of a contract entered into before the 4th April 1963:

Provided that section 22(4) of this Act shall apply to the variation or waiver of any terms of a lease (not being a variation or waiver made in pursuance of a contract entered into before the 4th April 1963) notwithstanding that the lease was granted before the beginning of the year 1963-64.

(7) In relation to Scotland the expression "term" in this section, where referring to the duration of a lease, means "period".

Miscellaneous

Mines,
quarries and
other
concerns.

26.—(1) Profits or gains arising out of land in the case of any concern specified in Schedule 7 to this Act shall be charged to tax under Case I of Schedule D.

(2) The foregoing subsection shall not apply to tax for the year 1963-64, but in relation to tax for that year the concerns specified in the proviso to paragraph 1 of Schedule A (mining and other concerns the profits of which are charged under Case I of Schedule D) shall include quarries of sand or gravel, sand pits, gravel pits and brickfields.

Collection of
outstanding
Schedule A
tax.

27. Where any assessment to tax under Schedule A falls to be made after the end of the year 1963-64, the assessment may be made on any person liable to bear any of the tax, to the extent of the amount to be borne by him, as if to that extent he were assessable in respect thereof under section 110 of the Act of 1952 (landlord's option to be assessed in lieu of occupier); and where such an assessment is made subsections (3) and (4) of that section (payment of tax by occupier, and deduction of amount paid from rent) shall apply, but not so as to authorise recovery, from a person not liable (apart from this provision) to bear the tax, of tax which he cannot deduct from rent payable to a person so liable.

Amendments
as to
Schedule B.

28.—(1) In paragraph 1 of Schedule B (which specifies the lands which are to be charged to tax under Schedule B) for the words from "all lands" to the end of the paragraph there shall be substituted "woodlands in the United Kingdom managed on a commercial basis and with a view to the realisation of profits, so however that this paragraph has effect subject to the right

given by section 125 of this Act to elect for assessment under Schedule D"; and paragraphs 3 to 5 of Schedule B shall cease to have effect.

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(2) Annual value for the purposes of Schedule B shall be determined in accordance with the provisions set out in Schedule 5 to this Act (being provisions corresponding with the provisions enacted for determining gross value for rating purposes), but as if the land, instead of being woodlands, were let and occupied in its natural and unimproved state, so however that where a person is in occupation of land chargeable to tax under Schedule B for part only of the year, or where land in a person's occupation is so chargeable to tax for part only of a year, the value by reference to which he is chargeable under Schedule B shall be the appropriate proportion of the value determined as aforesaid.

(3) Profits or gains arising in any year of assessment from payments for any easement over or right to use any land made to the person who occupies the land shall not be excluded from the charge to tax under Case VIII by reason only that he is chargeable with respect to the land under Schedule B, but shall be treated for purposes of Case VIII as limited to the amount (if any) by which they exceed the assessable value of the land or, as the case may be, by which they exceed such proportion of that value as corresponds to the proportion of the year for which he occupies the land.

(4) Any assessment to tax under Schedule B made after the end of the year 1963-64 as respects land in England or Wales or in Scotland may be made either in any division where the person assessed is engaged in a trade, profession, or vocation or in which he ordinarily resides, or in any division where the land is situated, and an assessment made in pursuance of the provisions of this subsection shall be valid and effectual notwithstanding the subsequent removal of the person assessed from the division in which he is assessed.

29.—(1) In computing profits or gains under Case I or Case II of Schedule D no deduction shall be made in respect of the annual value of land occupied for the purpose of the trade, profession or vocation; and section 136 of the Act of 1952 (which allows such deductions in the case of land separately assessed and charged under Schedule A) shall cease to have effect:

Cases I
and II of
Schedule D:
amendments
in relation
to land.

Provided that the provisions of Schedule 8 to this Act shall have effect for allowing deductions, in the cases there provided, by reference to deductions which would have fallen to be made if the said section 136 had applied for the years 1963-64 and 1964-65.

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(2) Section 137(n) of the Act of 1952 (prohibition of deduction of rent and certain other payments, being payments made subject to deduction of tax) shall not apply to payments in relation to land made in respect of periods ending on or before the 5th April 1964, and in making any deductions permitted by this subsection the amount of the payment shall be taken to be the gross amount thereof:

Provided that—

- (a) this subsection shall not apply to any payment to which section 180 (mineral rents and royalties, etc.) of the Act of 1952 applies;
- (b) the aggregate amount of the deductions permitted by this subsection as respects any land in computing profits or gains for the year 1963-64 shall not exceed the assessment of the land for that year under Schedule A, as reduced for the purpose of collection.

(3) Where, in relation to any land used in connection with a trade, profession or vocation,—

- (a) tax has become chargeable under section 22 (except subsection (6)), 23 or 24 of this Act on any amount (disregarding any reduction in that amount under paragraph 8 of Schedule 4 to this Act), or
- (b) tax would have become so chargeable on that amount but for the operation of section 22 (6) of this Act or the said paragraph 8, or but for any exemption from tax,

the provisions of Schedule 9 to this Act shall have effect, in the cases there provided, for allowing deductions calculated by reference to that amount in computing the profits or gains of the trade, profession or vocation.

(4) Where during a period in the five years ending with the year 1962-63 any premises were occupied by a person for the purposes of a trade, profession or vocation carried on by him, and payments relating to the premises made by him during that period in respect of maintenance, repairs or insurance were not deducted in computing the profits or gains of the trade, profession or vocation chargeable under Case I or II of Schedule D, he shall be entitled to a deduction in computing those profits or gains for the year 1963-64 of any amount by which the aggregate of the payments exceeds the aggregate of so much of the relief which was or, on a claim in that behalf, could have been allowed to him under sections 99 to 101 of the Act of 1952 as related to the premises and is attributable to any part of the said period.

(5) In computing the profits or gains of a trade of dealing in land, any trading receipt falling within subsection (1), (3) or

(4) of section 22 of this Act shall be treated as reduced by the amount on which tax is chargeable by virtue of that section.

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(6) In a case falling within section 22(6) of this Act,—

- (a) if no claim is made under that subsection, the foregoing subsection shall have effect as if it provided that so much only of any instalment falling within subsection (1), (3) or (4) of section 22 of this Act shall be treated as a trading receipt as exceeds the sum which bears to the amount on which tax is chargeable by virtue of the said section 22 the proportion which the instalment bears to the sum of which it is an instalment ;
- (b) if a claim is made, the foregoing subsection shall not apply, but no part of any instalment shall be treated as a trading receipt.

(7) In computing the profits or gains of a trade of dealing in land, any trading receipts falling within section 23 or 24 of this Act shall be treated as reduced by the amount on which tax is chargeable by virtue of that section, but where on a claim being made under subsection (2)(b) of the said section 24 the amount on which tax was chargeable by virtue of that section is treated as reduced this subsection shall be deemed to have applied to the amount as reduced, and such adjustment of liability to tax shall be made (for all relevant years of assessment), whether by means of an additional assessment or otherwise, as may be necessary and may be so made at any time at which it could be made if it related only to tax for the year of assessment in which the said claim is made.

30.—(1) Where, as respects tax for the year 1964-65 or any subsequent year, any question arises as to the annual value of land, it shall be determined by the General Commissioners for the division in which the land is situated, or if it is situated partly in one division and partly in another the General Commissioners for such one of those divisions as the person in whose case the question falls to be determined may elect ; and those Commissioners shall hear and determine the question in like manner as an appeal made to them against an assessment under Schedule D, and all the provisions of the Income Tax Acts relating to such an appeal (including the provisions relating to the statement of a case for the opinion of the High Court on a point of law) shall apply accordingly with any necessary modifications.

Supplemental provisions as to annual value.

(2) Any person authorised in that behalf by the Commissioners of Inland Revenue may, on producing if so required evidence of his authority, at any reasonable time enter on and

PART II inspect, with a view to establishing its annual value, any land the annual value of which falls to be determined for purposes of tax for the year 1964-65 or any subsequent year.

Deductions in respect of tithe redemption annuities.

31.—(1) A payment made as an instalment, or part of an instalment, of an annuity within the meaning of the Tithe Acts 1936 and 1951 shall be treated for income tax purposes as follows.

(2) Five-sixths of the amount of the payment, but no more, shall be deducted from or set off against the income of the person making the payment for the year of assessment in which the instalment becomes payable, and tax shall be discharged or repaid accordingly.

(3) No part of the payment shall be allowed as a deduction for the year 1963-64 under section 97 of the Act of 1952 (allowance under Schedule A for tithe annuities) or shall be included for any subsequent year among the deductions provided for by Schedule 4 to this Act.

Interpretation of Chapter II.

32.—(1) In this Chapter, except where the context otherwise requires,—

“assignment”, in relation to Scotland, means an assignment ;

“lease” includes an agreement for a lease, and any tenancy, but does not include a mortgage or heritable security, and “lessee”, “lessor” and “letting” shall be construed accordingly, and “lessee” and “lessor” include, respectively, the successors in title of a lessee or a lessor ;

“premium” includes any like sum, whether payable to the immediate or a superior landlord ;

“reversion”, in relation to Scotland, means the interest of the landlord in the property subject to the lease ;

“unit of assessment” means any land forming a unit of assessment for the purposes of Schedule A,

and paragraph 20 of Schedule 9 to the Finance Act 1962 (meaning of “connected person”) shall apply for the purposes of this Chapter.

(2) For the purposes of this Chapter any sum (other than rent) paid on or in connection with the granting of a tenancy shall be presumed to have been paid by way of premium except in so far as other sufficient consideration for the payment is shown to have been given.

(3) In the application of this Chapter to Scotland “premium” includes in particular a grassum payable to any landlord or intermediate landlord on the creation of a sub-lease ; and in this

subsection "intermediate landlord" means, where an occupying lessee is a sub-lessee, any person for the time being holding the interest of landlord under a sub-lease which comprises the property of which the occupying lessee is sub-lessee, but does not include the immediate landlord.

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CHAPTER III CAPITAL ALLOWANCES

33. Investment allowances in respect of expenditure incurred after the 5th November 1962 (other than expenditure on the provision of a ship) shall be increased by one-half, and accordingly, in relation to expenditure incurred after that date, for references in section 16(2) and (5) of the Finance Act 1954 and section 21(4) of the Finance Act 1959 to one-tenth there shall be substituted references to three-twentieths and for references in section 16(3), (4) and (6) of the Finance Act 1954 and section 15 of the Finance Act 1957 to one-fifth there shall be substituted references to three-tenths. Increase of investment allowances.

34. An annual allowance under section 266 of the Act of 1952 in respect of capital expenditure incurred after the 5th November 1962 on the construction of a building or structure, or under section 17 of the Finance Act 1956 in respect of capital expenditure incurred after that date on dredging, shall be equal to one twenty-fifth of the expenditure instead of (as heretofore) one-fiftieth thereof, and accordingly, as respects any such allowance, for the word "one-fiftieth" where it occurs in sections 266(1) and 268(5) of the Act of 1952 and section 17(1) of the Finance Act 1956, there shall be substituted the words "one twenty-fifth", and for the word "fiftieth" where it occurs in sections 266(2) and 267(1) of the Act of 1952 there shall be substituted the word "twenty-fifth". Doubling of annual allowances for industrial buildings and for dredging.

35.—(1) The provisions of this section shall have effect for calculating annual allowances under Chapter II of Part X of the Act of 1952 in respect of machinery or plant to which this section applies, that is to say new machinery or plant capital expenditure on the provision of which was incurred after the 5th November 1962; and such machinery or plant shall continue to be treated as machinery or plant to which this section applies notwithstanding any sale of it or other change of circumstances. Rates of annual allowances for machinery and plant.

(2) Where, for any year of assessment, an annual allowance in respect of machinery or plant to which this section applies falls to be computed in accordance with section 281 (normal method) of the Act of 1952 by reference to a percentage established before the year 1963-64 under that section, the amount

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of the allowance resulting from the application of that percentage—

- (a) where it is less than fifteen per cent. of the relevant capital amount, shall be increased so as to equal fifteen per cent. of that amount ; or
- (b) where it is between fifteen and twenty per cent. of the relevant capital amount, shall be increased so as to equal twenty per cent. of that amount ; or
- (c) where it is less than twenty-five but not less than twenty per cent. of the relevant capital amount, shall be increased so as to equal twenty-five per cent. of that amount.

(3) Where for the year 1963-64 or a subsequent year of assessment a percentage established before the year 1963-64 under the said section 281 falls to be redetermined or a percentage falls to be determined under that section for a new class of machinery or plant, the percentage shall for the purpose of its application to machinery or plant to which this section applies be re-determined or determined, and Chapter II of Part X of the Act of 1952 shall thereafter apply in relation to machinery or plant of the class in question to which this section applies, as if, instead of requiring the annual allowance to be five-fourths of the percentage therein specified of the relevant capital amount, the said section 281 required it to be a percentage of that amount determined by the Commissioners of Inland Revenue by reference to the anticipated normal working life of machinery or plant of the class in question, being such a percentage as is mentioned below, that is to say—

- (a) where that life is eighteen years or more, fifteen per cent. ; or
- (b) where that life is less than eighteen but not less than fourteen years, twenty per cent. ; or
- (c) where that life is less than fourteen years, twenty-five per cent.

(4) Where a percentage has been determined for a year of assessment under the foregoing subsection and is not for any later year superseded by a subsequent determination, it shall be treated as if it had been determined for that later year also.

(5) In deciding, as respects a class to which a percentage established before the year 1963-64 under the said section 281 applies, whether or not, for the purposes of machinery or plant to which this section applies, a redetermination of the percentage is necessary, the amount of the percentage as falling to be adjusted, that is to say as increased by one quarter and further increased, where so required, under subsection (2) of this section, shall be treated as if it were a percentage determined in accordance with subsection (3) of this section:

Provided that where the percentage so established, as increased by one quarter, is greater than the percentage mentioned in paragraph (c) of the said subsection (3), this subsection shall apply as if that greater percentage were instead so mentioned.

(6) Subsections (2) to (5) of this section shall apply in relation to allowances falling to be computed in accordance with section 282 (alternative method) of the Act of 1952 as if references to section 281 of that Act were references to that section, and as if for any reference to fifteen, twenty or twenty-five per cent. there were substituted a reference to six and one quarter, eight and one half or eleven and one quarter per cent. respectively.

(7) If, in relation to any machinery or plant to which this section applies, a direction falls to be made under section 285 (adjustments of annual allowances in cases of abnormal use) of the Act of 1952 for the year 1963-64 or any subsequent year of assessment, the anticipated normal working life of the machinery or plant shall be ascertained as though it were used throughout its working life in the manner in which and to the extent to which it is used in the year in question, and the annual allowance in respect of the machinery or plant for that year shall be calculated as, by virtue of subsection (3) of this section (or by virtue of that subsection as applied by the foregoing subsection), it would be if the relevant percentage for machinery or plant of that class fell to be redetermined for that year and its anticipated normal working life were as so ascertained.

(8) Where, in the case of machinery or plant of any class, annual allowances for the year 1962-63 or any earlier year of assessment falling to be computed in accordance with section 281 or 282 of the Act of 1952 were computed by reference to a percentage which, though not determined or deemed to have been determined by the Commissioners under that section, was commonly treated as if it had been so determined, that percentage shall, notwithstanding that a percentage is after the commencement of this Act so determined for that year, be regarded for the purposes of annual allowances under Chapter II of Part X of that Act for the year 1963-64 or any subsequent year of assessment in respect of machinery or plant of that class to which this section applies as the percentage so determined for the year 1962-63 or that earlier year, as the case may be.

(9) In relation to machinery or plant of any class, references in this section to a percentage established before the year 1963-64 shall be construed as references to a percentage established by a determination made or deemed to have been made under section 281(2) or, as the case may be, section 282(2) of the Act of 1952 and applying for the year 1962-63 to that class, and references to the anticipated normal working life of the machinery or plant shall be construed in accordance with section 281(6) or, as the case may be, section 282(6) of that Act.

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(10) In section 283 of the Act of 1952 (which provides for a change from the normal method of computing annual allowances to the alternative method), in subsection (1)(b), for the words "the percentage mentioned in subsection (2) of the last preceding section" there shall be substituted the words "the percentage that would otherwise apply".

(11) Nothing in this section shall affect the operation of section 284 of the Act of 1952 (by which a person to whom an annual allowance is to be made in respect of machinery or plant used for working mineral deposits may elect to have the allowance computed by a special method).

Scientific
research
allowances.

36.—(1) In the case of expenditure incurred after the 5th November 1962, an allowance under section 336 of the Act of 1952 (allowances for capital expenditure on scientific research) shall be made by allowing in the first of the five years of assessment mentioned in that section a deduction equal to the whole of the expenditure instead of by allowing in that year a deduction equal to three-fifths of the expenditure and in each of the remaining four years a deduction equal to one-tenth of the expenditure, and accordingly, in relation to expenditure so incurred, that section shall have effect as if—

- (a) in subsection (1), for the words from "a deduction" to the end, there were substituted the words "a deduction equal to the whole of the expenditure shall be allowed in charging the profits or gains of the trade for the relevant year of assessment as defined by the following subsections";
- (b) in subsections (2) and (4), for the words "the five years shall be that and the next four years", there were substituted the words "the relevant year of assessment shall be that year"; and
- (c) in subsection (3), for the words from "the five years" to the end, there were substituted the words "the relevant year of assessment shall be the year of assessment next following that in which the trade was set up and commenced."

and section 16(6)(a) of the Finance Act 1954 (which provides for an investment allowance to be made only for the first year of assessment for which an allowance under the said section 336 falls to be made) shall not have effect.

(2) The said section 336, as amended by the foregoing subsection, shall have effect in relation to expenditure incurred after the 5th November 1962 as if the following subsection were inserted at the end:—

- "(5) If the expenditure is incurred during the year of assessment in which the trade is permanently discontinued, the relevant year of assessment shall be that year."

(3) In the case of an asset representing expenditure incurred after the 5th November 1962, Part XI of the Act of 1952 shall apply as if, in section 337 thereof, subsection (1) (which restricts allowances where an asset ceases to be used for scientific research) were omitted and the following were substituted for subsection (2):—

“(2) Where an asset representing scientific research expenditure of a capital nature incurred by the person carrying on a trade ceases to be used by that person for scientific research related to that trade and is then or thereafter sold by him—

(a) if the sale occurs in or after the year of assessment for which an allowance in respect of the expenditure is made under the last preceding section, then—

(i) the sum by which the aggregate of the proceeds of sale and the amount of the allowance exceeds the amount of the expenditure, or (if it is less than that sum) the amount of the allowance, shall be treated as a trading receipt of the trade accruing at the time of the sale or, if the sale occurs on or after the date on which the trade is permanently discontinued, accruing immediately before the discontinuance ; or

(ii) if, by reason of the operation of section 21(4) of the Finance Act 1954 (which requires demolition costs to be treated as expenditure on an asset), the said aggregate is less than the amount of the expenditure, a deduction equal to the difference shall, unless the asset was used for other purposes after it ceased to be used for scientific research related to the trade, be allowed in charging the profits or gains of the trade for the year of assessment in which the sale occurs or, if the sale occurs on or after the date on which the trade is permanently discontinued, for the last year of assessment in which the trade is carried on before the discontinuance ;

(b) if the sale occurs before the year of assessment for which an allowance in respect of the expenditure would fall to be made under the last preceding section, that allowance shall not be made, but if the proceeds of sale are less than the expenditure

PART II

a deduction equal to the difference shall be allowed in charging the profits or gains of the trade for the year of assessment in which the sale occurs:

Provided that no amount shall be allowed or charged by virtue of this subsection in respect of any sale if the sale gives rise to a balancing allowance or balancing charge under Chapter I or II of Part X of this Act ”.

Annual allowances for mineral depletion in the United Kingdom.

37.—(1) Subject to the provisions of this section, where, for the purposes of a trade carried on or about to be carried on by him, a person incurs capital expenditure on the acquisition of a mineral asset the acquisition of which entitles him to work a mine, oil well or other source of mineral deposits of a wasting nature in the United Kingdom, and the trade consists of or includes the working of that source, he shall be entitled for any year of assessment the basis period for which ends after the incurring of the expenditure to an annual allowance in respect of the expenditure.

(2) Subject as aforesaid, the annual allowance for a year of assessment shall be equal to the fraction mentioned below of the royalty value of the output in the basis period for the year from the source to which the expenditure relates, that is to say—

- (a) where the first working of the source after the expenditure was incurred was less than ten years before the end of that basis period, one-half ;
- (b) where that first working was less than twenty but not less than ten years before the end of the basis period, one-quarter ;
- (c) in any other case, one-tenth.

(3) An annual allowance under this section in respect of any expenditure shall not be made to a person for a year of assessment unless the amount of the expenditure exceeds the aggregate of any allowances under this section made to him for previous years in respect of the expenditure together with any capital sums accruing to him in or before the basis period for the year by virtue of his acquisition of the mineral asset in question, and where made shall not be greater than the amount of the excess ; and for this purpose there shall be deemed to have been made for years preceding the year 1963-64 such annual allowances as would have fallen to be made if this section had always had effect.

(4) Where in the basis period for any year of assessment a person ceases to work the source to which capital expenditure incurred by him relates and, apart from this and the foregoing subsection, an annual allowance under this section would fall

to be made to him for that year in respect of the expenditure, the allowance shall not be made, and—

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(a) if the aggregate of any allowances under this section made to him for previous years in respect of the expenditure exceeds so much of the expenditure as represents the cost of acquiring the output got by him from the source (other than output got before the 4th April 1963), a balancing charge on an amount equal to the excess shall be made on him for that year, or

(b) if that aggregate is less than so much of the expenditure as represents the cost of acquiring that output, a balancing allowance equal to the difference shall be made to him for that year.

(5) So much of the capital expenditure incurred by a person on the acquisition of a mineral asset as remains after deducting—

(a) the market value of the asset at the time the source to which the expenditure relates ceases to be worked by him, and

(b) any capital sums accruing to him before that time by virtue of his acquisition of the asset,

shall be taken for the purposes of the foregoing subsection to represent the cost of acquiring the output got by him from the source; and where part of the output was got by him before the 4th April 1963, the cost of acquiring the part got on or after that date shall be taken for those purposes to be an amount which bears to the amount so remaining the same proportion as the royalty value of the output from the source on or after that date bears to the royalty value of the whole output got by virtue of the expenditure.

In this subsection "market value", in relation to an asset, means the price which it might reasonably be expected to fetch on a sale in the open market (whether for use by the purchaser for mining purposes or other purposes) if, before the sale, the owner of the asset had carried out such works (if any) for restoring or otherwise making good the land surface at the site of the source as, having regard to the obligations imposed on him and other relevant circumstances, he might reasonably be expected to carry out whether or not he sold the asset, but reduced by so much of that price as is attributable to matters not representing any part of the capital expenditure in question.

(6) Where a balancing adjustment is made in respect of a person under subsection (4) of this section, or would fall to be so made if the relevant amounts were not equal, and after ceasing to work the source he carries out any works for restoring or otherwise making good the land surface at the site of the source, the cost of those works shall not be taken into account

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in computing for the purposes of tax under Case I of Schedule D the profits or gains of his trade unless it was assumed, in computing the market value of the asset for the purposes of the said subsection (4), that those works would be carried out.

(7) Where any allowance under this section falls to be made to a person in or before a year of assessment in the basis period for which he ceases to work the source to which the expenditure in question relates, and in the basis period for a later year of assessment he again begins to work the source, then—

(a) in computing, in accordance with subsection (2) of this section, the amount of an annual allowance for the later year or any subsequent year, the period between the cessation and recommencement of working shall be disregarded ; and

(b) in computing, for the purposes of subsection (3) or (4) of this section, the aggregate of allowances for previous years, those allowances shall be treated as reduced by the amount on which any balancing charge under paragraph (a) of the said subsection (4) has been made in respect of the expenditure.

(8) Allowances or charges falling to be made under this section to or on any person shall be made to or on him in charging the profits or gains of his trade.

(9) Where a person (in this subsection referred to as “the transferee”) acquires a mineral asset from another person (in this subsection referred to as “the transferor”), and the transferee is a body of persons over whom the transferor has control, or the transferor is a body of persons over whom the transferee has control, or both the transferee and the transferor are bodies of persons and some other person has control over both of them, the capital expenditure incurred by the transferee on the acquisition of the asset shall be taken for the purposes of this section (including this subsection) not to exceed the capital expenditure incurred by the transferor on its acquisition by him or, where the asset consists of an interest or right granted by the transferor, so much of the capital expenditure so incurred by the transferor as, on a just apportionment, is referable to that interest or right ; and the expenditure incurred by the transferee shall where necessary be treated as reduced accordingly.

(10) Where in the basis period for any year of assessment a person, having previously incurred capital expenditure on the acquisition of a mineral asset the acquisition of which entitled him to work a source, incurs for the purposes of the trade capital expenditure on the acquisition of another mineral asset the acquisition of which entitles him to work the same source, this section shall apply as respects that year and subsequent years of assessment as if the assets were one

mineral asset capital expenditure on the acquisition of which was incurred by him when he incurred the first-mentioned expenditure and was of an amount equal to the aggregate of that expenditure and the further expenditure:

Provided that where the first-mentioned expenditure was incurred before the 4th April 1963 and the further expenditure on or after that date—

- (a) no greater allowances shall for the purpose of subsection (3) of this section be deemed by reason of this subsection to have been made before that date;
- (b) the cost of acquiring output got before that date, as computed under subsection (5) of this section, shall not by reason of this subsection be treated as increased.

If the asset to which the further expenditure relates extends to mineral deposits or land not included in the asset to which the first-mentioned expenditure relates, so much of it as so extends shall be treated for the purposes of this section as a separate mineral asset, and the further expenditure shall be apportioned between the assets as may be just.

(11) References in this section to expenditure on the acquisition of an asset do not include—

- (a) expenditure to which Chapter III of Part X of the Act of 1952 applies; or
- (b) expenditure on machinery or plant, or on any asset which has been treated for any year of assessment as machinery or plant; or
- (c) expenditure on any building or structure,

and where expenditure was incurred on the acquisition of an asset in respect of which, for years of assessment previous to a year for which he first becomes entitled in respect of the expenditure to an allowance under this section, the person incurring the expenditure has been allowed any deductions under Schedule 9 to this Act, the expenditure shall be treated for the purposes of this section as reduced by so much of those deductions as, if he had been entitled to an allowance under this section for earlier years, would have been excluded by paragraph 5 of that Schedule.

(12) In this section—

- “mineral asset” means any mineral deposits or land comprising mineral deposits, or any interest in or right over such deposits or land;
- “output” in relation to a source, means mineral deposits lifted or extracted from the source;
- “royalty value” in relation to any output from a source means the amount of the royalties that would be payable on that output if the person working the

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(b) if it is within Northern Ireland, and a certificate given by a person authorised in that behalf by the President of the Board of Trade and stating that at the time or during the period specified in the certificate a place in Great Britain was or was not included in any development district shall be conclusive for the purposes of this section.

(6) In relation to any new town outside a development district which draws or will draw its population mainly from the district, this section shall apply as if the new town were included in the district, and a certificate given by a person authorised in that behalf by the Minister of Housing and Local Government, or (where the new town is in Scotland) the Secretary of State, and stating whether or not a new town draws or will draw its population mainly from a specified district shall be conclusive for the purposes of this subsection.

(7) Where a district in Great Britain ceases at any time to be a development district, this section shall apply in relation to the following machinery or plant as if the district had continued to be a development district, that is to say—

- (a) machinery or plant which at that time is within, and has before that time been used in, the district ;
- (b) machinery or plant provided for use in the district under a contract entered into before that time ;
- (c) machinery or plant provided for use in the district under a contract entered into within two years after that time and in the case of which the following conditions are satisfied—

(i) that it is for use in or about a building or structure provided for use for industrial purposes under a contract entered into after the 3rd April 1963, or is for use in conjunction with other machinery or plant so provided, and

(ii) that its provision was required for the fulfilment of the purpose for which the building or structure or, as the case may be, the other machinery or plant was provided, and

(iii) that contracts for the provision of a substantial proportion of the assets required for the fulfilment of that purpose had been entered into before the district ceased to be a development district.

(8) In this section—

“ industrial purposes ” means the purposes of a trade, or a part of a trade, which—

- (a) is carried on in a mill, factory or other similar premises, or

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(b) consists in the carrying on of a dock, water, electricity or hydraulic power undertaking (as defined by section 271(5) of the Act of 1952) or a gas, transport, inland navigation, tunnel or bridge undertaking, or

(c) consists in the manufacture of goods or materials or the subjection of goods or materials to any process, not being a process in the construction or erection of a building or structure, or

(d) consists in the storage—

(i) of goods or materials which are to be used in the manufacture of other goods or materials, or

(ii) of goods or materials which are to be subjected, in the course of a trade, to any process, or

(iii) of goods or materials which, having been manufactured or produced or subjected, in the course of a trade, to any process, have not yet been delivered to any purchaser, or

(iv) of goods or materials on their arrival by sea or by air into any part of the United Kingdom, or

(e) consists in the working of any mine, oil well or other source of mineral deposits, or

(f) consists in the distribution of hydrocarbon oils by pipe-line ;

“ mobile equipment ” means machinery or plant having its own means of propulsion, or constructed or adapted for being towed, but does not include machinery or plant suitable for use only in or about a building or structure used for industrial purposes or any similar purposes or at a source of mineral deposits ;

“ new town ” means an area designated under the New Towns Act 1946 as the site of a new town.

39.—(1) Annual allowances under Chapter III (mines, oil wells, etc.) of Part X of the Act of 1952 in respect of capital expenditure incurred after the 3rd April 1963 on new machinery or plant provided for use or used in a development district, or on the construction of any works in a development district, shall, instead of being computed by applying the fraction specified in section 307 of the Act of 1952 to the residue of the expenditure (as defined by that section), be of an amount equal to so much of that residue as is specified by the person to whom an allowance is to be made in making his claim to the allowance, and subsection (3) of that section (adjustment where source ceases to be worked) shall not apply:

Annual allowances for new mining expenditure in development districts.

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Provided that the foregoing provisions of this subsection shall not have effect in relation to annual allowances under the said Chapter III falling to be made to a person in respect of any expenditure if he so elects in making his claim to the first of those allowances.

(2) Where a person incurs expenditure on new machinery or plant in connection with a source of mineral deposits, and the machinery or plant is later sold in circumstances such that the person acquiring it is by virtue of section 309(2) of the Act of 1952 deemed to have incurred expenditure in connection with the source, the expenditure so deemed to have been incurred by him shall, so far as it relates to the machinery or plant, be treated for the purposes of the foregoing subsection as capital expenditure on new machinery or plant incurred by him when the first-mentioned expenditure was incurred.

(3) Subsections (5), (6) and (7) of the foregoing section shall apply for the purposes of this section as they apply for the purposes of that section, but so that the said subsection (7) shall apply as if references to machinery or plant included references to works expenditure on the construction of which is expenditure to which the said Chapter III applies, and as if, in the application of paragraph (c) of that subsection to such works, references to a building or structure were omitted.

Contributions
to expenditure
for treatment
of trade
effluents.

40.—(1) Where a sewerage authority in the United Kingdom incurs expenditure on the provision of an asset to be used in the treatment of trade effluents, then, in relation to any contribution of a capital sum made to that expenditure, subsection (3) of section 332 of the Act of 1952 (by virtue of which, in a case where the person receiving a capital sum would, apart from subsection (1) of that section, qualify for capital allowances in respect of his expenditure, the contributor is treated for the purpose of investment, initial and annual allowances as if his contribution had been expenditure on an asset provided for the purposes of his trade) shall apply as if such allowances fell to be made to the sewerage authority in respect of the expenditure as apart from subsection (1) of that section would fall to be made if the asset were to be so used for the purposes of a trade carried on by the sewerage authority.

(2) In this section—

“sewerage authority” means a public body having power under any enactment relating to the public health to construct and maintain sewers;

“trade effluents” means liquid or other matter discharged into public sewers from premises occupied for the purposes of a trade.

(3) This section shall apply only where the contribution was made, and the expenditure in question was incurred, after the 31st May 1963.

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41.—(1) In relation to initial and annual allowances and balancing allowances under Chapter II of Part X of the Act of 1952 falling to be made for the year 1963-64 and subsequent years, the provisions of the six following subsections shall have effect in substitution for the provisions of subsections (2) to (6) of section 23 of the Finance Act 1961 (capital allowances for vehicles costing over two thousand pounds) in cases where that section would otherwise have applied.

Motor cars:
amendments
as to capital
allowances
and deductions
for hiring.

(2) The amount to be allowed by way of initial allowance for any one vehicle shall not exceed six hundred pounds (whether the allowance falls to be made by reference to lump sum expenditure or by reference to the amounts of instalments), the references in paragraph 3(2) of Schedule 14 to the Act of 1952 to seven-tenths of the limit of recharge on the seller having effect accordingly as references to the limit of recharge reduced by six hundred pounds.

(3) The amount of an annual allowance shall not exceed five hundred pounds; and—

- (a) where the amount of an annual allowance, if calculated in accordance with section 281 (normal method of calculating annual allowances) of the Act of 1952, would be reduced by the foregoing provisions of this subsection the allowance shall be so calculated;
- (b) section 291 of that Act (annual allowances where previous use has not attracted full allowances) shall have effect as if at the end of subsection (1) thereof there were added “and in any case where the machinery or plant was not in fact used for the purposes of the trade in the first of those previous years (whether or not the trade was then being carried on) there shall be deemed to have been made to him for that year the maximum allowances permitted by subsections (2) and (3) of section 41 of the Finance Act 1963”.

(4) Where apart from this subsection a balancing allowance would fall to be made in respect of any vehicle, and the event giving rise to the allowance takes place within the basis period for a year of assessment as respects which the foregoing subsection would operate to reduce the amount of any annual allowance falling to be made in respect of the vehicle, or would so operate but for any provision of the Income Tax Acts (other than this section) reducing annual allowances,—

- (a) if the person to whom the balancing allowance would fall to be made proves that as respects the period

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during which the vehicle has been used for the purposes of his trade the amount (if any) falling to be made to him by way of annual allowances in respect of the vehicle is less than an amount at a rate of five hundred pounds a year, the amount of the balancing allowance shall not exceed the amount of the difference, increased, if any amount which could have been allowed by way of initial allowance was not claimed, by that amount ;

- (b) in any other case no balancing allowance shall be made unless any amount which could have been allowed by way of initial allowance was not claimed, and if so the balancing allowance shall not exceed that amount.

(5) It is hereby declared that the provisions of the Income Tax Acts (other than this section) which in special circumstances reduce initial or annual allowances, and balancing allowances, apply to allowances after modification by the foregoing provisions of this section ; and in particular—

- (a) the reference in section 286 of the Act of 1952 to an annual allowance computed in accordance with the preceding provisions of Chapter II of Part X of that Act includes a reference to an annual allowance computed in accordance with those provisions and the foregoing provisions of this section ;

- (b) where, in a case falling within section 293 or the proviso to section 294 of that Act (effect on balancing allowances of part-time use otherwise than for trade purposes, and of subsidies for wear and tear), it is just and reasonable that the foregoing subsection should apply with the substitution for the reference to five hundred pounds of a reference to a smaller amount, that subsection shall so apply, without prejudice to the determination in accordance with the said section 293 or the said proviso whether any balancing allowance falls to be made, or would fall to be made apart from the foregoing subsection.

(6) Where under section 332(1) of the Act of 1952 any part of the expenditure incurred in the provision of a vehicle is to be treated as not having been incurred by a person, or under section 332(3) of that Act a person's contribution to such expenditure is to be treated as expenditure on the provision of a similar vehicle, the foregoing provisions of this section shall have the like effect as if for the references to six hundred and to five hundred pounds there were substituted references to sums which bear the same proportion thereto as the amount of expenditure which is to be treated as having been incurred

by the person providing the vehicle, or as the case may be the amount of the contribution, bears to the whole expenditure incurred in the provision of the vehicle.

(7) Section 296(1) of the Act of 1952 (optional treatment of balancing charge in certain cases of replacement) shall not have effect where the vehicle is the new plant referred to in that subsection, and this provision shall apply in relation to balancing charges as well as in relation to initial and annual allowances.

(8) Section 25 of the Finance Act 1961 (which limits the deduction to be made for the cost of hiring a vehicle of which the retail price exceeds two thousand pounds in the proportion which two thousand pounds bears to the retail price) shall have effect in relation to assessments for the year 1963-64 and subsequent years as if after the words "the proportion which two thousand pounds" there were inserted the words "together with one half of the excess".

(9) Where a person, having on or after the 4th April 1963 hired (otherwise than by way of hire purchase) a vehicle to which section 25 of the Finance Act 1961 applies subsequently becomes the owner thereof, and the retail price of the vehicle at the time it was made exceeded two thousand pounds, then for the purposes of the Income Tax Acts (and in particular this section)—

- (a) so much of the aggregate of the payments for the hire of the vehicle and of any payment for the acquisition thereof as does not exceed the retail price of the vehicle at the time it was made shall be treated as capital expenditure incurred in the provision of the vehicle, and as having been incurred when the hiring began, and
- (b) the payments to be treated as expenditure on the hiring of the vehicle shall be rateably reduced so as to amount in the aggregate to the balance.

(10) In section 26 of the Finance Act 1961 (provisions as to hire purchase, etc.) subsections (2) and (3) shall cease to have effect.

(11) Paragraph 4 of Schedule 3 to the Finance Act 1957 (additional assessments and adjustments of assessments) shall have effect as if references therein to that Schedule included references to subsection (9) of this section; and any claim for an allowance by virtue of that subsection may be made in connection with the making or adjusting of assessments in pursuance of the said paragraph 4, and whether so made or not may notwithstanding anything in section 323 of the Act of 1952 be made at any time not later than two years after the claimant became the owner of the vehicle.

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(12) The said paragraph 4 shall have effect in relation to section 27(3) of the Finance Act 1961 as applied for the purposes of this section as that paragraph had effect in relation to that subsection as originally enacted.

Supplemental provisions as to Chapter III.

42.—(1) As respects expenditure incurred before the 6th April 1963, a provision of the foregoing sections of this Chapter which applies to that expenditure but is not expressed to apply for the year 1963-64 and subsequent years shall apply for the year 1962-63 as well as subsequent years, and for that purpose there shall be made all such amendments of assessments, additional assessments and repayments of tax as may be necessary.

(2) Expenditure shall not be treated for the purposes of any of the provisions of this Chapter as having been incurred after a date mentioned in those provisions by reason only of section 265(6), 279(2) or 309(1) of the Act of 1952 (which relate to expenditure incurred by a person for the purposes of a trade before he begins to carry it on).

(3) In this Chapter—

“ new machinery or plant ” means machinery or plant being unused and not secondhand ;

“ relevant capital amount ” means the amount specified in section 281(1)(a) or, as the case may be, section 282(1)(a) of the Act of 1952 as the amount by reference to which an annual allowance is to be computed.

(4) The provisions of this Chapter (except section 37), so far as they relate to any Chapter of Part X of the Act of 1952, or to Part XI of that Act, shall be construed as if contained in that Chapter or in the said Part XI, as the case may be.

CHAPTER IV

MISCELLANEOUS

Co-operative housing associations.

43.—(1) Where a housing association makes a claim in that behalf for any year or part of a year of assessment during which the association was approved for the purposes of this section,—

(a) rent to which the association was entitled from its members for the year or part shall be disregarded for income tax purposes, and

(b) any yearly interest payable by the association for the year or part shall be treated for tax purposes as payable not by the association but severally by the members of the association who during the year or part were tenants of property of the association, in the proportion which the rents payable by those members for the

year or part bear to the aggregate of the rents to which the association was entitled for the year or part from the properties to which the interest relates.

(2) Where the property, or any of the properties, to which any such interest as aforesaid relates is for any period not subject to a tenancy, paragraph (b) of the foregoing subsection shall not apply in relation to so much of the interest as is attributable to the property not subject to a tenancy, but for the purposes of that paragraph as it applies in relation to a tenant of any other property to which the interest relates the association shall be deemed to have received, in respect of the property not subject to a tenancy, rent at the rate payable therefor when it was last let by the association.

(3) In computing the profits or gains of the association no payments shall be deductible under paragraphs 2 to 4 of Schedule 4 to this Act in so far as attributable to a period as respects which a claim under subsection (1) of this section had effect.

(4) Where a claim under subsection (1) of this section has effect,—

(a) any amount in respect of tax for which a member of the association is liable to account by virtue of the claim shall, if not otherwise recovered, be recoverable from the association, but the association shall be entitled to have recouped to it by the member any amount recovered from it under this paragraph ;

(b) any adjustment of the liability to tax of a member or of the association which is required in consequence of the claim may be made by an additional assessment or by repayment or otherwise, as the case may require.

(5) References in this section to the approval of an association shall be construed as references to approval—

(a) by the Minister of Housing and Local Government, in the case of an association in England or Wales,

(b) by the Secretary of State in the case of an association in Scotland,

(c) by the Minister of Health and Local Government for Northern Ireland, in the case of an association in Northern Ireland ;

and an association shall not be approved unless the approving authority is satisfied—

(i) that the association is duly registered under the Industrial and Provident Societies Acts 1893 to 1961 or the Industrial and Provident Societies Acts (Northern

PART II

Ireland) 1893 to 1963, and is a housing association within the meaning of the Housing Act 1957, the Housing (Scotland) Act 1950 or section 12 of the Housing and Local Government (Miscellaneous Provisions) Act (Northern Ireland) 1946,

- (ii) that the rules of the association restrict membership to persons who are tenants or prospective tenants of the association, and preclude the granting or assignment (or in Scotland the granting or assignation) of tenancies to persons other than members, and
- (iii) that the association satisfies such other requirements as may be prescribed by the approving authority, and will comply with such conditions as may for the time being be so prescribed.

(6) An approval given for the purposes of this section shall have effect as from such date (whether before or after the giving of the approval) as may be specified by the approving authority, and shall cease to have effect if revoked by him.

(7) The Minister of Housing and Local Government and the Secretary of State as respects England and Wales and Scotland, or the Minister of Health and Local Government for Northern Ireland as respects Northern Ireland, may make regulations for the purpose of carrying out the provisions of this section; and from the coming into operation of regulations under this subsection prescribing requirements or conditions for the purposes of paragraph (iii) of subsection (5) of this section, "prescribed" in that paragraph shall mean prescribed by or under such regulations.

The power to make regulations conferred by this subsection on the Minister of Housing and Local Government and the Secretary of State shall be exercisable by statutory instrument.

(8) The provisions of Schedule 10 to this Act shall have effect in relation to claims under subsection (1) of this section.

(9) As respects the year 1963-64, subsections (1) and (2) of this section shall apply to any other payment for the time being comprised within section 177 of the Act of 1952 as they apply to yearly interest.

Exemption
from tax on
housing
grants.

44. Where, under any enactment relating to the giving of financial assistance for the provision, maintenance or improvement of housing accommodation or other residential accommodation, a payment is made to a person by way of grant or other contribution towards expenses incurred or to be incurred by that or any other person, the payment shall not be treated as a receipt in computing profits or gains for any income tax purposes:

Provided that the foregoing provision shall not apply to a payment in so far as it is made in respect of an expense giving rise to a deduction in computing profits or gains for any income tax purposes.

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45. A company shall not be prevented from qualifying as an Overseas Trade Corporation by reason only that it has a subsidiary company which is resident in the United Kingdom but is not an Overseas Trade Corporation, and accordingly the proviso to section 23(1) of the Finance Act 1957 shall cease to have effect.

Overseas
Trade
Corporations:
holding
companies.

46.—(1) Where a trade, profession or vocation is permanently discontinued in the year 1964-65 or any subsequent year of assessment, section 130 of the Act of 1952 (which by paragraph (b) of subsection (1) provides for an additional assessment so as to bring the profits chargeable for the year preceding the year of assessment in which the discontinuance occurs up to the level of the profits of the year ending on the 5th April in that preceding year) shall have effect as if in the said paragraph (b)—

Amendment
of s. 130 of
Act of 1952
(cessations).

- (a) for the reference to the profits or gains of the said year ending on the 5th April there were substituted a reference to the aggregate of the profits or gains (if any) of the years ending on the 5th April in each of the two years preceding the year of assessment in which the discontinuance occurs, and
- (b) for the reference to the amount on which a person has been or would have been charged for the preceding year there were substituted a reference to the aggregate of the amounts on which he has been or would have been charged for each of the said two preceding years,

as if for other references in that section to the year preceding the year of assessment in which the discontinuance occurs there were substituted references to each of the two years preceding that year of assessment, and as if references in that section to the making of an additional assessment included references to any other adjustment of a person's liability to tax (whether by the reduction or discharge of an assessment or by repayment).

(2) In accordance with the foregoing subsection, for the references in section 19(4)(b) of the Finance Act 1953 (changes in ownership of trade etc.) and paragraph 2(2) of Schedule 3 to the Finance Act 1954 (permanent discontinuance after certain changes in the persons carrying on a trade) to the end of the

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year of assessment following that in which the change occurs there shall be substituted references to the end of the next-but-one year of assessment following that in which the change occurs.

Accommodation occupied by holder of office or employment.

47.—(1) Where any premises in the United Kingdom are available to the occupier by reason of his or his wife's holding an office or employment, and—

(a) he pays no rent for the premises, or

(b) the rent he pays for them is less than the annual value of the premises, determined in accordance with Schedule 5 to this Act,

the holder of the office or employment shall be treated for the purposes of tax under Schedule E as being in receipt (in addition to any other emoluments) of emoluments at an annual rate equal to the annual value of the premises, determined as aforesaid, reduced by the annual amount of any rent which he pays for them:

Provided that this section shall not apply if the rent is not less than might reasonably be expected to have been obtained at the time when the tenancy was granted, having regard to the terms of the tenancy, and, if at any subsequent time the landlord had the power (whether by terminating the tenancy or otherwise) to obtain a higher rent, the rent is not less than might reasonably be expected to have been obtained as aforesaid at that subsequent time.

(2) Where in the case of any premises any amount falls under the foregoing subsection to be treated as a person's emoluments, then if section 161(1) of the Act of 1952 (taxation of benefits in kind) applies to expense incurred in the provision of accommodation for him in the premises the expense shall be treated for the purposes of that section as reduced by that amount (or, if that amount is greater than the expense, shall be treated as not having been incurred).

(3) Where the occupier of premises holds them under a tenancy from or by the leave of the person from whom he or his wife holds an office or employment or any other person with whom that person is connected, the premises shall be conclusively presumed to be available to him by reason of his or his wife's holding the office or employment; and paragraph 20 of Schedule 9 to the Finance Act 1962 (meaning of "connected person") shall apply for the purposes of this subsection.

(4) Subsection (1) of this section shall not apply in the case of premises provided by a local authority if the occupier proves that the terms on which he occupies are no more favourable

than those on which similar premises provided by that authority are available to persons similarly circumstanced apart from the identity of the employer.

(5) For the purposes of this section any person who under section 163(1) of the Act of 1952 would be a director of a body corporate shall be treated as holding an office from the body corporate.

(6) This section shall apply to an occupier being a woman as it applies to an occupier being a man, with the substitution of "her husband" for "his wife".

(7) In this section "terms of the tenancy" does not include any obligation imposed on the occupier or his wife in connection with his or her office or employment.

48.—(1) In computing for income tax purposes the profits or gains of a trade of dealing in land, so much of the cost of woodlands in the United Kingdom purchased in the course of the trade shall be disregarded as is attributable to trees growing on the land.

Dealers in land: provisions as to purchase and sale of woodlands.

(2) Where any amount has been disregarded under the foregoing subsection, and on a subsequent sale of the woodlands in the course of the trade all or any of the trees to which the amount disregarded was attributable are still growing on the land, so much of the price for the land shall be disregarded, in computing the profits or gains of the trade for income tax purposes, as is equal to the amount disregarded under the foregoing subsection in respect of those trees.

(3) References in this section to trees include references to saleable underwood.

(4) This section shall not apply where the purchase was made under a contract entered into before the 1st May 1963.

49. The exemption from income tax conferred by section 40(1) of the Finance Act 1956 in respect of a pension which is paid under the authority of the Pensions (India, Pakistan and Burma) Act 1955 and is the income of a person who satisfies the Commissioners of Inland Revenue that he is not resident in the United Kingdom shall not apply to so much of any such pension as is paid by virtue of the application to the pension of the Pensions (Increase) Act 1959 or the Pensions (Increase) Act 1962, and accordingly the proviso to the said section 40(1) shall be amended by omitting the word "or" and inserting at the end the words "the Pensions (Increase) Act 1959 or the Pensions (Increase) Act 1962".

India, Pakistan and Burma pensions.

PART II
Certificates of
deduction
of tax.

50.—(1) Where after the passing of this Act a person makes any payment which is subject to deduction of tax by virtue of section 169 or 170 of the Act of 1952, then if the recipient so requests in writing the payer shall furnish the recipient with a statement in writing showing the gross amount of the payment, the amount of tax deducted and the actual amount paid.

(2) The duty imposed by the foregoing subsection shall be enforceable at the suit or instance of the person requesting the statement.

Deduction of
tax from
certain
dividend
payments.

51. Paragraph 5 of Schedule C (by which tax on certain half-yearly payments in respect of public revenue dividends which do not exceed fifty shillings is chargeable under Case III of Schedule D and not under Schedule C) shall not apply to payments in respect of any public revenue dividends which are obtained by means of coupons in respect of bonds to bearer or stock certificates; and accordingly that paragraph shall be amended as follows:—

- (a) the words from “but subject to” to “stock certificates)” shall be omitted; and
- (b) after the words “the distribution” there shall be inserted the words “(not being a payment obtained by means of a coupon in respect of a bond to bearer or stock certificate)”.

PART III

ESTATE DUTY

Extension of
exemption for
small estates.

52. As respects deaths occurring on or after the 4th April 1963 the scale of rates of estate duty set out in the Seventh Schedule to the Finance Act 1949, as amended by section 32(1) of the Finance Act 1954 and section 27(1) of the Finance Act 1962, shall have effect with the substitution for the entries relating to estates of a principal value not exceeding ten thousand pounds of the following entries:—

<i>“ Principal value of estate</i>	<i>Rate per cent. of duty</i>
Not exceeding £5,000	Nil
Exceeding £5,000 and not exceeding £6,000	1
Exceeding £6,000 and not exceeding £7,000	2
Exceeding £7,000 and not exceeding £8,000	3
Exceeding £8,000 and not exceeding £10,000	4”

53.—(1) In the case of a person dying after the passing of **PART III**
 this Act a disposition purporting to operate as a gift inter vivos shall not be treated for the purposes of section 59(2) of **Gifts in consideration**
 the Finance (1909-10) Act 1910 as a gift made in consideration **of marriage.**
 of marriage—

(a) in the case of an outright gift, if or in so far as it is a gift to a person other than a party to the marriage ;

(b) in the case of any other disposition, if the persons who are or may become entitled to any benefit under the disposition include any person other than—

(i) the parties to the marriage, issue of the marriage, or a wife or husband of any such issue ;

(ii) persons becoming entitled on the failure of trusts for any such issue under which trust property would (subject only to any power of appointment to a person falling within sub-paragraph (i) or (iii) of this paragraph) vest indefeasibly on the attainment of a specified age or either on the attainment of such an age or on some earlier event, or persons becoming entitled (subject as aforesaid) on the failure of any limitation in tail ;

(iii) a subsequent wife or husband of a party to the marriage, or any issue, or the wife or husband of any issue, of a subsequent marriage of either party ;

(iv) persons becoming entitled under such trusts, subsisting under the law of England or of Northern Ireland, as are specified in section 33(1) of the Trustee Act 1925 (protective trusts), the principal beneficiary being a person falling within sub-paragraph (i) or (iii) of this subsection, or under such trusts modified by the enlargement, as respects any period during which there is no such issue as aforesaid in existence, of the class of potential beneficiaries specified in paragraph (ii) of the said section 33(1) ;

(v) persons becoming entitled under trusts subsisting under the law of Scotland and corresponding with such trusts as are mentioned in the foregoing sub-paragraph ;

(vi) as respects a reasonable amount by way of remuneration, the trustees of the settlement.

(2) A disposition made by either of the parties to a marriage shall not be prevented from being treated as a gift for the purposes of section 2(1)(c) of the Finance Act 1894 (description of property deemed to pass on death) by reason only that it is

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PART III

in any way made in consideration of marriage, and references to a gift in the other enactments relating to estate duty (including the foregoing subsection) shall be construed accordingly.

(3) References in this section to issue shall apply as if any person legitimated by a marriage, or adopted by the husband and wife jointly, were included among the issue of that marriage.

(4) This section shall not apply where the disposition was made before the 4th April 1963.

Exemption for gifts of land of outstanding scenic, historic or scientific interest.

54.—(1) As respects estate duty leviable on or with reference to any death occurring on or after the 4th April 1963, subsections (2) to (4) of section 33 of the Finance Act 1951 (estate duty exemptions in connection with preservation of buildings for public benefit) shall subject to the provisions of this section apply to any gift, devise or bequest of land (with or without buildings thereon) which in the opinion of the Treasury is of outstanding scenic, historic or scientific interest.

(2) In relation to gifts, devises or bequests to which the said subsections apply by virtue of this section they shall have effect subject to the following modifications:—

(a) for references to a house or other building with or without grounds there shall be substituted references to land with or without buildings;

(b) for references to preservation of a house or building there shall be substituted references to preservation of the character of land;

(c) in subsection (2) the words “and the 1949 section, together with the foregoing subsection of this section” shall be deemed to be omitted;

(d) for paragraph (a) of subsection (3) there shall be substituted—

“the land is of outstanding scenic, historic or scientific interest;”

(e) for the reference in the said subsection (3) to securing reasonable access for the public there shall be substituted a reference to securing reasonable access for the public or prohibiting or restricting access, as may be appropriate to the character of the land.

PART IV

STAMP DUTIES

Reduction of duties

Reduced duty on conveyance or transfer on sale.

55.—(1) Subject to subsections (2) and (3) below and to the following provisions of this Part of this Act, the stamp duty chargeable under the heading “Conveyance or Transfer on sale” in Schedule 1 to the Stamp Act 1891 shall be charged by

reference to the amount or value of the consideration for the sale at the following rates, that is to say—

PART IV

- (a) where the amount or value of the consideration is £4,500 or under and the instrument is certified within the meaning of section 34 of the Finance Act 1958 at £4,500, nil ;
- (b) where the amount or value of the consideration is £6,000 or under and the instrument is certified as aforesaid at £6,000, the rate specified in column 2 of Part I of Schedule 11 to this Act ;
- (c) in any other case, the rate specified in column 3 of Part I of that Schedule ;

and any duty chargeable by reference to that heading shall be charged accordingly.

(2) In relation to duty chargeable under or by reference to the said heading as it applies to a conveyance or transfer of stock or marketable securities, and to duty chargeable by reference to that heading by virtue of the heading "Lease or Tack" in the said Schedule 1 in a case where part of the consideration consists of rent and that rent exceeds £50 a year, subsection (1) above shall have effect as if paragraphs (a) and (b), and the words "in any other case" in paragraph (c), were omitted.

(3) Nothing in this section shall affect any enactment imposing an upper limit on the amount of duty chargeable ad valorem.

(4) In subsection (8) of section 34 of the Finance Act 1958 for the words "this section relating to instruments certified at three thousand five hundred pounds" there shall be substituted the words "section 55 of the Finance Act 1963 relating to instruments certified at £4,500".

56.—(1) The Table set out in Part II of Schedule 11 to this Act shall be substituted for the Table set out in paragraph (3) of the heading "Lease or Tack" in Schedule 1 to the Stamp Act 1891, and accordingly paragraph (1) of that heading shall be omitted and in paragraph (2)(a) of that heading for £25 there shall be substituted £100. Reduced duty on leases.

(2) The duty chargeable under paragraph (2)(a) and paragraph (4) of the said heading shall in all cases be 10s. and £1 respectively.

(3) For the purposes of the said heading a lease granted for a fixed term and thereafter until determined shall be treated as a lease for a definite term equal to the fixed term together with such further period as must elapse before the earliest date at which the lease can be determined ; and section

M* 2

PART IV 75 of the said Act of 1891 (agreements for leases) shall be construed accordingly.

(4) Section 76, subsections (3) and (4) of section 77 and section 78 of the said Act of 1891 shall cease to have effect.

Miscellaneous reductions.

57.—(1) The rates of stamp duty chargeable under or by reference to the following headings or parts of headings in Schedule 1 to the Stamp Act 1891, that is to say—

Bond, Covenant or Instrument of any kind whatsoever
Marketable Security, paragraph (1)(b) (security not transferable by delivery)

Mortgage, Bond, Debenture, Covenant and Warrant of Attorney,

and under the following enactments, that is to say—

Stamp Act 1891, sections 114 and 115

Finance Act 1899, section 8

Finance Act 1939, section 37,

shall be those at which the duty would be chargeable if section 52 of the Finance Act 1947 (which doubled the rates) had not been enacted.

(2) The duty chargeable under the heading “Bond of any kind whatsoever not specifically charged with any duty” in the said Schedule shall be calculated as if paragraph (b) of subsection (2) of section 55 of the Finance Act 1947 had not been enacted.

Transitional provisions relating to reduction of duty.

58.—(1) The duty chargeable under section 115 of the Stamp Act 1891 (composition by local authorities) on any half-yearly account required to be delivered on or within seven days before 1st August 1963 shall be the same as if the account had been delivered on that day; and where any such account has been delivered before the passing of this Act any duty paid thereon in excess of the duty chargeable in accordance with this subsection shall be repaid.

(2) Where delivery of a statement of loan capital for the purposes of section 8 of the Finance Act 1899, which should otherwise have taken place before the said date, has under section 10(2) of the Finance Act 1907 been postponed to that or a later day, the duty chargeable on the statement so far as it relates to capital issued before that date shall be the same as if this Act had not been passed.

(3) Any agreement entered into for the purposes of section 37 of the Finance Act 1939 (composition in respect of colonial stock) before the passing of this Act shall, so far as it relates to payments to be made on or after the said date, have effect as if it provided for the making of those payments at the reduced rate at which duty is chargeable under that section by virtue of this Act.

Bearer Instruments

PART IV

59.—(1) In Schedule 1 to the Stamp Act 1891, after the heading “Bank Note” there shall be inserted the following heading:—

Stamp duty
on bearer
instruments.

“BEARER INSTRUMENT

- | | |
|---|---|
| (1) Inland bearer instrument (other than deposit certificate for overseas stock). | Duty of an amount equal to three times the transfer duty. |
| (2) Overseas bearer instrument (other than deposit certificate for overseas stock or bearer instrument by usage). | Duty of an amount equal to twice the transfer duty. |
| (3) Instrument excepted from paragraph (1) or (2) of this heading. | Duty of 6d. for every £25 or part of £25 of the market value. |
| (4) Inland or overseas bearer instrument given in substitution for a like instrument duly stamped ad valorem (whether under this heading or not). | Duty of 6d. |

EXEMPTIONS

1. Instrument constituting, or used for transferring, stock which is exempt from all stamp duties on transfer by virtue of General Exemption (1) in this Schedule or of any other enactment.

2. Bearer letter of allotment, bearer letter of rights, scrip, scrip certificate to bearer or other similar instrument to bearer where the letter, scrip, certificate or instrument is required to be surrendered not later than six months after issue.

3. Renounceable letter of allotment, letter of rights or other similar instrument where the rights under the letter or instrument are renounceable not later than six months after the issue of the letter or instrument.”;

and paragraph (1) (a) and (c) and paragraphs (3) and (4) of the heading “Marketable Security” and the whole of the heading “Share Warrant and Stock Certificate to Bearer” in that Schedule shall be omitted, and sections 4, 5(1) and 6 of the Finance Act 1899 shall cease to have effect.

PART IV

(2) For the purposes of the heading set out in subsection (1) above—

- (a) “inland bearer instrument” means any of the following instruments issued by or on behalf of any company or body of persons corporate or unincorporate formed or established in the United Kingdom, that is to say—
- (i) any marketable security transferable by delivery;
 - (ii) any share warrant or stock certificate to bearer and any instrument to bearer (by whatever name called) having the like effect as such a warrant or certificate;
 - (iii) any deposit certificate to bearer;
 - (iv) any other instrument to bearer by means of which any stock can be transferred;
- (b) “overseas bearer instrument” means an instrument issued otherwise than by or on behalf of any such company or body of persons as is mentioned in paragraph (a) above, being an instrument described in sub-paragraphs (i) to (iv) of that paragraph or a bearer instrument by usage;
- (c) “deposit certificate” means an instrument acknowledging the deposit of stock and entitling the bearer to rights (whether expressed as units or otherwise) in or in relation to the stock deposited or equivalent stock; and “deposit certificate for overseas stock” means a deposit certificate in respect of stock of any one company or body of persons not being such a company or body as is mentioned in paragraph (a) above;
- (d) “bearer instrument by usage” means an instrument not described in the said sub-paragraphs (i) to (iv) which is used for the purpose of transferring the right to any stock, being an instrument delivery of which is treated by usage as sufficient for the purpose of a sale on the market, whether that delivery constitutes a legal transfer or not;

and section 82 of the Stamp Act 1891 (meaning of “marketable security”) shall not apply.

(3) For the purposes of the said heading “the transfer duty” means the duty which would be chargeable under the heading “Conveyance or Transfer on sale” in the said Schedule 1 in respect of an instrument in writing transferring the stock constituted by or transferable by means of the inland or overseas bearer instrument in question for a consideration equal to the market value of that stock.

(4) For the purposes of this section and the two next following sections, “stock” includes securities, and references to

stock include references to any interest in, or in any fraction of, stock or in any dividends or other rights arising out of stock and any right to an allotment of or to subscribe for stock; "transfer" includes negotiation and "transferable", "transferred" and "transferring" shall be construed accordingly; and a bearer instrument by usage used for the purpose of transferring the right to any stock shall be treated as transferring that stock on delivery of the instrument, and as issued by the person by whom or on whose behalf it was first issued, whether or not it was then capable of being used for transferring the right to the stock without execution by the holder.

PART IV

(5) Section 44 of the Finance Act 1944 (repayment of transfer duty in case of securities transferable by delivery) shall cease to have effect.

60.—(1) Duty under the heading set out in subsection (1) of section 59 of this Act shall be chargeable on issue in the case of the following instruments, that is to say— Payment
of duty.

- (a) any instrument issued in Great Britain; and
- (b) any instrument issued by or on behalf of a company or body of persons corporate or unincorporate formed or established in Great Britain, not being a foreign loan security;

and for the purposes of this subsection "foreign loan security" means a security issued outside the United Kingdom in respect of a loan which is expressed in a currency other than sterling and is neither offered for subscription in the United Kingdom nor offered for subscription with a view to an offer for sale in the United Kingdom of securities in respect of the loan.

(2) Duty under the said heading in respect of any instrument not chargeable under subsection (1) above shall be chargeable on transfer in Great Britain of the stock constituted by or transferable by means of the instrument:

Provided that the duty chargeable by virtue of this subsection on the transfer of stock shall be chargeable only where duty would be chargeable under or by reference to the heading "Conveyance or Transfer on sale" in Schedule 1 to the Stamp Act 1891 if the transfer were effected by an instrument not being a bearer instrument.

(3) Any instrument which is chargeable under the said heading on issue shall, before being issued, be produced to the Commissioners (together with such particulars in writing of the instrument as the Commissioners may require) and shall be deemed to be duly stamped if, and only if, it is stamped with a particular stamp denoting that it has been produced to the Commissioners; and within six weeks of the date on which

PART IV

any such instrument is issued, or such longer time as the Commissioners may allow, a statement in writing containing the date of issue and such further particulars as the Commissioners may require in respect of that instrument shall be delivered to the Commissioners, and the duty chargeable in respect of that instrument shall be paid to the Commissioners on delivery of that statement or within such longer time as the Commissioners may allow.

(4) If default is made in complying with subsection (3) above in respect of any instrument, the person by whom or on whose behalf the instrument is issued, and any person who acts as the agent of that person for the purposes of the issue, shall be liable to a fine not exceeding the aggregate of £50 and an amount equal to the stamp duty chargeable in respect of that instrument, and shall also be liable to pay to Her Majesty the duty chargeable in respect of that instrument and interest on the duty at the rate of five per cent. per annum from the date of the default.

(5) Where any instrument which is chargeable under the said heading on transfer of the stock constituted by or transferable by means of the instrument is presented to the Commissioners for stamping, the person presenting it, and the owner of the instrument, shall furnish to the Commissioners such particulars in writing as they may require for determining the amount of duty chargeable on that instrument.

(6) Any person who in Great Britain transfers, or is concerned as broker or agent in transferring, any stock by or by means of any such instrument as is mentioned in subsection (5) above shall, if the instrument is not duly stamped, be liable to a fine not exceeding the aggregate of £50 and an amount equal to the stamp duty chargeable in respect of that instrument, and shall also be liable to pay to Her Majesty the duty chargeable in respect of that instrument and interest on the duty at the rate of five per cent. per annum from the date of the transfer in question.

(7) If any person, in furnishing particulars under this section in respect of any instrument, wilfully or negligently furnishes any particulars which are false in any material respect, he shall be liable to a fine not exceeding the aggregate of £50 and an amount equal to twice the amount by which the stamp duty which ought to be charged in respect of that instrument exceeds the stamp duty paid in respect thereof.

(8) Where any such instrument as is mentioned in subsection (5) above has been stamped *ad valorem* or with a stamp indicating that it is chargeable under paragraph (4) of the said heading and with the duty specified in that paragraph, that instrument shall be deemed for all purposes other than subsection (7) above to have been duly stamped.

(9) Any instrument which is deemed to be duly stamped by virtue of subsection (3) or (8) of this section shall be deemed to be duly stamped in Northern Ireland, and any instrument which is deemed to be duly stamped by virtue of the corresponding provisions in force in Northern Ireland shall be deemed to be duly stamped in Great Britain.

61.—(1) In relation to an instrument which is chargeable on issue, the market value of the stock constituted by or transferable by means of that instrument shall be taken for the purposes of section 59 of this Act to be—

Ascertainment
of market
value.

- (a) where the stock was offered for public subscription (whether in registered or in bearer form) within twelve months before the issue of the instrument, the amount subscribed for the stock ;
- (b) in any other case, the value of the stock on the first day within one month after the issue of the instrument on which stock of that description is dealt in on a stock exchange in the United Kingdom or, if stock of that description is not so dealt in, the value of the stock immediately after the issue of the instrument.

(2) In relation to an instrument which is chargeable on transfer of the stock constituted by or transferable by means of that instrument, the market value of that stock shall be taken for the purposes of the said section 59 to be the value of that stock—

- (a) in the case of a transfer pursuant to a contract of sale, on the date when the contract is made ;
- (b) in any other case, on the day preceding that on which the instrument is presented to the Commissioners for stamping, or, if it is not so presented, on the date of the transfer.

Miscellaneous

62.—(1) In Schedule 1 to the Stamp Act 1891, the heading “Conveyance or Transfer whether on sale or otherwise” (which relates to Canadian and colonial stock) shall be omitted, and any transfer of stock to which that heading applied shall be chargeable with stamp duty under the heading appropriate to a like transfer of other stock.

Common-
wealth stock.

(2) The rate of stamp duty chargeable under or by reference to the heading “Conveyance or Transfer on sale” in the said Schedule in respect of a transfer of commonwealth government stock shall be one quarter of the rate of duty which would be chargeable under that heading apart from this subsection, except that where the amount or value of the consideration does not exceed £5 the duty shall be 3d.

PART IV

(3) Section 37 of the Finance Act 1939 shall apply to all commonwealth government stock including any such stock which is constituted by or transferable by means of overseas bearer instruments within the meaning of the heading set out in section 59(1) of this Act ; and accordingly—

- (a) the reference in subsection (1)(b) of the said section 37 to the stamp duty which would be payable on transfers of the stock shall include a reference to the stamp duty which would be payable in respect of such instruments ; and
- (b) any such instrument to which an agreement made under that section applies and which would otherwise be chargeable to stamp duty shall be exempt from that duty :

Provided that nothing in this section shall be taken as affecting any agreement made under that section before the commencement of this Part of this Act.

(4) In sections 82 and 83 of the Stamp Act 1891 (marketable securities) for the word “ colonial ” wherever it occurs, there shall be substituted the word “ commonwealth ”.

(5) Section 2 of the Indian Securities Act 1860 (exemption for certain India stock) and section 28 of the Finance Act 1936 (India stocks and securities to be treated as colonial stock) are hereby repealed.

(6) In this section “ commonwealth government stock ” means stock or marketable securities issued by the government of any country or territory within the commonwealth outside the United Kingdom, and in section 82 of the Stamp Act 1891, as amended by this section, references to a commonwealth government, municipal body, corporation or company are references to the government of, or a municipal body, corporation or company established under the law of, any such country or territory.

Securities
for annual
and other
payments.

63. In determining whether an instrument is—

- (a) the only, principal or primary security for any annuity or for any sum or sums of money within the meaning of paragraph (1) of the heading “ Bond, Covenant or Instrument of any kind whatsoever ” in Schedule 1 to the Stamp Act 1891 ; or
- (b) the only, principal or primary security for the payment or repayment of money within the meaning of paragraph (1) of the heading “ Mortgage, Bond, Debenture, Covenant and Warrant of Attorney ” in that Schedule,

no account shall be taken of any other instrument which is a security for the same annuity, sum or sums, or for the same payment or repayment, as the case may be, or for any part thereof, unless that other instrument is chargeable with stamp duty under either of the said paragraphs and is duly stamped.

64. For the purposes of section 74(5) of the Finance (1909-10) Act 1910 (stamp duty on conveyances and transfers not for valuable consideration) marriage shall not be deemed to be the consideration for a conveyance or transfer except in so far as the conveyance or transfer is a disposition such as, in the case of a person dying after the passing of this Act, would be treated for estate duty purposes as a gift made in consideration of marriage. PART IV
Gifts in
consideration
of marriage.

65.—(1) Any instrument which is exempt from duty under the heading set out in section 59(1) of this Act by virtue of exemption 3 in that heading or would be so exempt if it were otherwise chargeable under that heading shall be exempt from stamp duty under or by reference to the heading "Conveyance or Transfer on sale" in Schedule 1 to the Stamp Act 1891. Miscellaneous
exemptions.

(2) In Part VII of the Finance Act 1946, and in section 30 of the Finance Act 1962, the references to a unit trust scheme shall be deemed not to include references—

(a) to any common investment scheme under section 22 of the Charities Act 1960; or

(b) to any unit trust scheme the units in which are, under the terms of the trust instrument relating to the scheme, required to be held only by bodies of persons established for charitable purposes only or trustees of trusts so established.

(3) No stamp duty shall be chargeable in respect of any form of application for legal aid under the Legal Aid and Advice Acts 1949 and 1960 or the Legal Aid (Scotland) Acts 1949 and 1960, or in respect of any form relating to the offer and acceptance of a certificate pursuant to an application for legal aid under those Acts.

66.—(1) The Commissioners may enter into an agreement with any local authority for the composition, in accordance with the following provisions of this section, of the stamp duty chargeable under the heading "Marketable Security" or "Mortgage, Bond, Debenture, Covenant and Warrant of Attorney" in Schedule 1 to the Stamp Act 1891 on such securities issued by the local authority as may be specified in the agreement. Composition
for stamp
duty on local
authorities'
securities.

(2) Any such agreement shall require the local authority to deliver to the Commissioners periodical accounts giving such particulars of the instruments to which the agreement relates as may be specified in the agreement, and may contain such other terms and conditions as the Commissioners think proper.

(3) Where an agreement has been entered into under this section between the Commissioners and any local authority, any instrument to which the agreement relates and which

PART IV

contains a statement that the appropriate stamp duty has been or will be paid to the Commissioners in accordance with the provisions of this section shall not be chargeable with any stamp duty, but the aggregate of the sums which, but for the provisions of this subsection, would have been chargeable by way of stamp duty on any such instruments issued during the period to which any account delivered under the agreement relates shall, by way of composition, be paid by the local authority to the Commissioners on the delivery of the account.

(4) If a local authority makes default in delivering any account required by any such agreement or in paying the duty payable on the delivery of any such account, the local authority shall be liable to a fine not exceeding £50 for every day during which the default continues and shall also be liable to pay to Her Majesty, in addition to the duty, interest thereon at the rate of five per cent. per annum from the date when the default begins.

(5) For the purposes of the headings mentioned in subsection (1) of this section, any instrument in respect of which stamp duty is paid by way of composition under this section shall be deemed to be duly stamped; and for the purposes of section 8(3) of the Finance Act 1899 the stamp duty payable in respect of any such instrument shall be deemed to have been paid.

(6) In this section "local authority" means a local authority within the meaning of the Local Government Act 1933 (not being a parish council), a local authority within the meaning of the London Government Act 1939, the Common Council of the City of London and, in Scotland, the council of a county, the town council of a burgh and a district council.

Prohibition of
circulation
of blank
transfers.

67.—(1) Where a transfer in blank relating to registered stock of any description has been delivered, pursuant to a sale of that stock, to or to the order of the purchaser or any person acting on his behalf, any person who in Great Britain parts with possession of that transfer, or who removes it or causes or permits it to be removed from Great Britain, before it has been duly completed shall be liable to a fine not exceeding the aggregate of £50 and an amount equal to twice the stamp duty chargeable in respect of that transfer.

(2) For the purposes of this section "transfer in blank" means a transfer in which the name of the transferee has not been inserted, and a transfer shall be treated as duly completed if, and only if, the name of the transferee is inserted therein, being the name of—

- (a) the purchaser of the stock under the sale;
- (b) a person entitled to a charge upon the stock for money lent to that purchaser;

PART IV

- (c) a nominee holding as a bare trustee for that purchaser or for any such person as is mentioned in paragraph (b) above ; or
- (d) a person acting as the agent of that purchaser for the purposes of the sale.

(3) The foregoing provisions of this section shall apply in relation to a transfer delivered by way of or pursuant to a voluntary disposition inter vivos, being a transfer to which section 74 of the Finance (1909-10) Act 1910 applies, as they apply in relation to a transfer delivered pursuant to a sale, and as if for any reference to the purchaser there were substituted a reference to the person (in this section referred to as the donee) to whom the disposition is made.

(4) In this section references to stock shall be construed in accordance with subsection (4) of section 59 of this Act, and "transfer" includes any instrument used for transferring stock ; but nothing in this section applies—

- (a) to any instrument which is chargeable with duty under paragraph (3) of the heading "Bearer Instrument" set out in subsection (1) of that section and is duly stamped ; or
- (b) to any instrument which is exempt from duty by virtue of exemption 3 in that heading, or would be so exempt if it were otherwise chargeable under that heading.

(5) References in this section to the purchaser or donee of any stock include references to any person to whom the rights of the purchaser or donee are transmitted by operation of law ; and in relation to a transfer chargeable with duty in accordance with section 58(4) or (5) of the Stamp Act 1891 (transfers to sub-purchasers) references in this section to the purchaser and a sale shall be construed as references to the sub-purchaser and a sub-sale.

(6) This section shall come into force on such date as the Treasury may by order made by statutory instrument direct.

PART V

MISCELLANEOUS

68.—(1) All properties which remained chargeable to land tax until the end of the land tax year 1962-63 shall be exonerated from land tax after the end of that year. Abolition of land tax.

(2) As respects land tax for the land tax year 1962-63 and for earlier years, and all other matters—

- (a) the functions of the Land Tax Commissioners shall be transferred to the Commissioners for the general purposes of the income tax for the respective divisions in which the properties are situated,

PART V

(b) the functions of collectors of land tax shall be transferred to the collectors of taxes ;
and the offices of Land Tax Commissioner, clerk to Land Tax Commissioners and collector of land tax shall be abolished.

This subsection shall come into force on the 1st October 1963.

(3) This section shall not affect any compulsory redemption of land tax under section 39 of the Finance Act 1949 where the date on which the property became liable to redemption was a date falling on or before the 24th March 1963.

(4) In this section "land tax year" means a period of twelve months ending with the 24th March.

Profits tax provisions in connection with Part II of this Act.

69.—(1) Where under any of the provisions of sections 22 to 25 of this Act a person has become chargeable to income tax on any amount, the amount shall be treated for the purposes of the profits tax as if it had been received by him, on the date by reference to which it is so chargeable to income tax, as income from an investment:

Provided that where the person chargeable is a body corporate the said amount shall be treated for the purposes of section 42(5)(b) of the Finance Act 1938 (by virtue of which rent paid to one body corporate by another associated with it is excepted from the charge to profits tax) as rent paid to the body corporate by the person making the payment in respect of which the amount became chargeable or, where it became chargeable under section 22(2) of this Act, by the tenant on whom the obligation there referred to was imposed ; but in determining whether the said section 42(5)(b) applies to an instalment as respects which a claim under section 22(6) of this Act has effect the relationship between the person paying and the person receiving the instalment shall be taken to be that subsisting when the transaction in respect of which the instalment is payable was entered into.

(2) Schedule 9 to this Act, as applied (by virtue of section 20(1) of the Finance Act 1937) in computing the profits arising from a trade or business for purposes of the profits tax, shall have effect as if proviso (b) to paragraph 4 were omitted, and no deduction shall be allowed under that Schedule in computing any such profits for those purposes if the amount by reference to which the deduction would be made, or instalments of the payment in respect of which that amount arose, is or are excluded, by virtue of the proviso to the foregoing subsection, in computing profits for those purposes.

(3) As respects expenditure incurred before the 6th April 1963, the provisions of Chapter III of Part II of this Act shall in relation to the profits tax have effect for accounting periods ending before or at the passing of this Act as well as accounting periods ending after the passing thereof, and for that purpose there shall be made all such amendments of assessments, additional assessments and repayments of tax as may be necessary.

(4) Schedule 8 to the Finance Act 1947 shall have effect as if allowances under section 37 of this Act were included among the allowances referred to in paragraph 1(1) of that Schedule (which specifies certain income tax allowances which are to be made also for the purposes of the profits tax), and as if charges under that section were included among the charges referred to in paragraph 2(1) of the said Schedule 8 (which specifies certain income tax charges which are to be so made).

(5) Where rent to which a housing association was entitled for any period is by virtue of a claim made under section 43 of this Act to be disregarded for income tax purposes the rent, together with any expenses incurred by the association in the period, shall be disregarded for purposes of the profits tax, but if the claim has effect by reason of a direction under the proviso to paragraph 2(1) of Schedule 10 to this Act and the direction is subsequently revoked, the liability of the association to profits tax for all relevant chargeable accounting periods shall be adjusted by the making of assessments or additional assessments or otherwise.

(6) An amount which by virtue of section 44 of this Act is to be excluded in computing profits or gains for any income tax purposes shall also be excluded in computing profits for purposes of the profits tax.

(7) This section shall be construed as one with Part III of the Finance Act 1937 and the other enactments relating to the profits tax.

70.—(1) The power conferred by section 42 of the Finance Act 1956 to advance to the bodies to which that section applies (namely the Electricity Council, the Scottish Electricity Boards and the Gas Council) any sums which those bodies would have power to borrow by the issue of stock shall be exercisable up to the end of August 1965, subject to the limits for the time being prescribed by law on the amounts outstanding in respect of sums borrowed by those bodies and subject to the following limitations—

Exchequer
advances
under
Finance Act
1956, s. 42.

(a) the aggregate of the advances made under that section up to the end of August 1964 shall not exceed £3,280 million;

(b) no advances shall be made under that section during the subsequent year unless provision has been made by order of the Treasury fixing a maximum amount for the aggregate of the advances to be made under that section up to the end of that year.

(2) An order under this section shall not have effect unless approved by a resolution of the Commons House of Parliament.

(3) The power conferred by this section to make an order shall be exercisable by statutory instrument, and shall include power to vary or revoke an order.

PART V

(4) Section 78 of the Finance Act 1960 shall cease to have effect.

Further provision for bearer bonds in respect of government securities.

71.—(1) Subject to section 10 of the Exchange Control Act 1947, and to regulations under this section, any person who is registered as the holder of any government security to which this section applies shall be entitled at his option to a bearer bond in lieu of the whole or any part of his holding; and the holder of such a bond shall be entitled, upon surrender of the bond, to be registered as the holder of the security represented by the bond.

(2) This section applies to government securities being stock to which Part V of the National Debt Act 1870 applies at the commencement of this Act, or securities of such other descriptions as may be prescribed by order of the Treasury.

(3) The Treasury may make regulations, in respect of all or any descriptions of government securities for which bearer bonds are available, whether by virtue of this section or by virtue of the terms of issue of the securities, for regulating the issue of bearer bonds and of coupons for the payment of dividends thereon; and such regulations may make provision—

- (a) for any matters (other than income tax) for which provision is made at the commencement of this Act by Part V of the National Debt Act 1870 or by regulations under the said Part V in relation to stock subject to that Part;
- (b) for any incidental, supplementary or transitional matters relating to such bonds or coupons, and to transactions connected therewith, for which it appears to the Treasury to be necessary or expedient to provide:

Provided that nothing in such regulations, so far as applicable to securities in respect of which bearer bonds are available by virtue of the terms of issue, shall take away or abridge any rights conferred on the holders by those terms.

(4) Any power of the Treasury to make orders or regulations under this section shall be exercisable by statutory instrument; and any statutory instrument made by virtue of this section shall—

- (a) in the case of an order under subsection (2), be laid before Parliament after being made; and
- (b) in the case of regulations under subsection (3), be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) In this section “government securities” means securities of any description comprised in the definition of “government stock” in section 15 of the National Debt Act 1958.

(6) Part V of the National Debt Act 1870 shall cease to have effect, as from such date as may be prescribed by regulations

under this section, except so far as it applies to stock certificates and coupons issued thereunder and outstanding on that date.

PART V

72.—(1) The whole of the stock created under the Purchase of Land (Ireland) Act 1891 (which authorised the making of advances under the Land Purchase Acts by means of the issue of stock) shall be redeemed on such date as the Treasury may fix by notice published in the London and Belfast Gazettes, and in such other manner as the Treasury may think appropriate, not less than three months before that date and, subject to section 2(2) of the National Debt (Conversion) Act 1888 as applied by section 1(2) of the said Act of 1891, and subject to Schedule 3 to the Finance Act 1921 (which contains general provisions relating to the redemption of Government stock), the manner in which the redemption is carried out shall be such as may be determined by the notice.

Redemption of guaranteed land stock.

(2) The sums required to be applied in redeeming the stock shall be met out of the funds (including the net proceeds of the sale of investments) standing to the credit of the Sinking Fund established under section 1(2) of the said Act of 1891.

(3) Any part of the funds standing to the credit of the said Sinking Fund not applied in redeeming the stock shall be paid into the Exchequer and the said Sinking Fund shall be wound up.

(4) All liabilities shall be extinguished in respect of any instalment of any annuity for the repayment of an advance made by the issue of stock redeemed under this section, being an instalment which would, but for the provisions of this subsection, fall due on or after the date fixed by the Treasury under this section; and subsections (2) and (3) of section 26 of the Government of Ireland Act 1920 (under which sums are payable out of the Exchequer of the United Kingdom the amounts of which depend on the amounts of the purchase annuities which are payable annually, or which would be so payable if they had not been redeemed) shall have effect accordingly.

(5) The National Debt Commissioners shall prepare an account in such form as the Treasury may determine showing the sums applied in redeeming stock under this section and the disposition of the funds standing to the credit of the said Sinking Fund, and shall send the account to the Comptroller and Auditor General not later than six months after the date fixed by the Treasury under this section; 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.

73.—(1) This Act may be cited as the Finance Act 1963.

(2) Part IV of this Act (except section 67) shall come into force on the 1st August 1963.

(3) "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.

Short title, commencement, construction, extent, amendments and repeals.

PART V

(4) Part I of this Act shall be construed as one with the Customs and Excise Act 1952; Part II shall be construed as one with the Income Tax Acts; Part III shall be construed as one with the Finance Act 1894; and Part IV shall be construed as one with the Stamp Act 1891.

(5) 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.

(6) 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.

(7) In consequence of, or otherwise in connection with, the enactment of Chapter II of Part II of this Act—

(a) the enactments mentioned in Part I of Schedule 12 to this Act shall have effect, in relation to tax for the year 1964-65 and subsequent years and, where so provided in that Schedule, in relation to tax for the year 1963-64, subject to the modifications there set out, and the enactments mentioned in Part II of that Schedule shall have effect subject to the modifications there set out and in accordance with any provision there made as to the operation of those modifications;

(b) the enactments mentioned in Parts I, II and III of Schedule 13 to this Act are hereby repealed to the extent mentioned in the third column of that Schedule, but subject as respects the repeals contained in each Part to any provision made at the end of that Part as to the effect of those repeals;

(c) the enactments mentioned in Part IV of Schedule 13 to this Act are hereby repealed, to the extent mentioned in the second column of that Part, from the date or, as the case may be, as respects the matters specified in relation thereto in the third column of that Part.

(8) The enactments mentioned in Schedule 14 to this Act—

(a) so far as they are mentioned in Part I of that Schedule are hereby repealed to the extent mentioned in the second column of that Part as from the date specified in relation thereto in the third column of that Part;

(b) so far as they are mentioned in any other Part of that Schedule are hereby repealed to the extent mentioned in the third column of that Part,

but subject as regards the repeals contained in any Part of that Schedule to any provision in relation thereto made at the end of that Part.

(9) The provisions of Schedules 13 and 14 to this Act as to the operation or effect of repeals contained in those Schedules are without prejudice to the provisions of section 38(2) of the Interpretation Act 1889.

SCHEDULES

SCHEDULE 1

AMENDMENTS TO FINANCE ACT 1962 AS RESPECTS
CUSTOMS DUTIES ON E.F.T.A. GOODS

Section 3.

Provision of Finance Act 1962	Subject matter	Existing amount	Substituted amount
Section 2(1)(b)...	Matches	£ s. d. 19 7 14 1	£ s. d. 19 2 13 9
Section 2(1)(c)...	Mechanical lighters ...	6 6 4 6	6 0 4 0
In Table I in Schedule 1, the fifth column.	Imported spirits (other than perfumed spirits).	11 13 6 15 15 4	11 12 3 15 13 8
In Schedule 2, the fifth column.	Beer (other than black beer of an original gravity of 1200 degrees or more).	6 13 5 6 13 2	6 3 5 6 3 2
In Table I in Schedule 4, the fourth column.	Tobacco manufactured, viz.—		
	Cigars	3 19 4	3 17 10½
	Cigarettes	3 15 2½	3 14 0
	Cavendish or Negro-head.	3 14 3	3 13 1½
	Other manufactured tobacco (not being Cavendish or Negro-head manufactured in bond).	3 12 8	3 11 8
	Snuff and snuff work (including tobacco dust or powder and ground tobacco).	3 11 11½ 3 14 3	3 11 0½ 3 13 1½

SCHEDULE 2

BREWERS' LICENCES: CONSEQUENTIAL AMENDMENTS OF ACT OF 1952 Section 6.

1.—(1) Section 125 of the Act of 1952 shall be amended as follows.

(2) In subsection (1) for the words "as a private brewer" there shall be substituted "holds a limited licence to brew beer, that is to say a licence authorising him to brew as mentioned in section 6(2) of the Finance Act 1963, or is exempted by subsection (3) of this section."

(3) In subsection (2) after the words "such licence" there shall be inserted "to brew for sale", and at the end of the subsection there shall be inserted "and on every limited licence to brew beer there shall be charged a duty of excise of four shillings".

SCH. 2

(4) In subsection (3) for the words from the beginning to "authorise" there shall be substituted "A licence to brew beer shall not be required for", and for the words "and shall not be granted to" there shall be substituted "so however that this subsection shall not exempt".

(5) In subsection (5), after the word "person" there shall be inserted "except as permitted by subsection (3) of this section".

2.—(1) Section 131 of the Act of 1952 shall be amended as follows.

(2) For the words "licence to brew beer as a private brewer", wherever they occur, there shall be substituted "limited licence to brew beer".

(3) In subsection (1) for the words "one house only, being a house" there shall be substituted "one set of premises only, being premises", and for the words from the beginning of the proviso to the end of the subsection there shall be substituted "For the purposes of this subsection the land and buildings within one curtilage, or any lands and buildings in Scotland with their parts and pertinents, shall be treated as one set of premises".

(4) In subsection (2) after the words "personal representatives or" there shall be inserted "liquidator or".

(5) In subsections (3) to (5) for references to a private brewer there shall be substituted references to the holder of a limited licence to brew beer.

3. In section 134 of the Act of 1952, in subsection (1) for the reference to a private brewer there shall be substituted a reference to the holder of a limited licence to brew beer or of a corresponding licence granted in Northern Ireland, and in subsection (3) the words from the beginning of the proviso to the end of the subsection shall cease to have effect.

4. In section 307(1) of the Act of 1952, in the definition of "brewer", the words "and 'private brewer'", "respectively", and "and a person holding such a licence as a private brewer" shall cease to have effect, and after the definition of "licence year" there shall be inserted—

"'limited licence to brew beer' has the meaning assigned by section 125(1) of this Act".

5. In Schedule 2 to the Act of 1952, Part II shall cease to have effect.

SCHEDULE 3

RELIEF FOR NATIONAL INSURANCE CONTRIBUTIONS:
DESCRIPTIONS OF CONTRIBUTORS AND AMOUNTS FOR RELIEF

<i>Description of Contributor</i>	<i>Amount for relief</i>
	£
1. Employed persons over the age of eighteen	22
2. Employed persons under the age of eighteen—	
(a) boys	12
(b) girls	10

Section 12.

3. Self-employed persons over the age of eighteen—		SCH. 3
(a) men	... ..	27
(b) women	... ..	22
4. Self-employed persons under the age of eighteen —		
(a) boys	... ..	16
(b) girls	... ..	13
5. Non-employed persons over the age of eighteen—		
(a) men	... ..	26
(b) women	... ..	21
6. Non-employed persons under the age of eighteen—		
(a) boys	... ..	15
(b) girls	... ..	13

SCHEDULE 4

DEDUCTIONS FROM RENTS AND OTHER RECEIPTS FROM LAND

Sections 15, 20,
22, 25, 29, 31, 43.
Schedules 9, 12.

Deductions from rents : general rules

1. The deductions which may be made from rent to which a person (hereinafter referred to as "the person chargeable") becomes entitled under a lease shall be such deductions of the amounts of payments made by him—

- (a) in respect of maintenance, repairs, insurance or management ;
- (b) in respect of any services provided by him otherwise than by way of maintenance or repairs, being services which he was obliged to provide but in respect of which he received no separate consideration ;
- (c) in respect of rates or other charges on the occupier which the person chargeable was obliged to defray ;
- (d) in respect of any rent, rentcharge, ground annual, feu duty or other periodical payment reserved in respect of, or charged on or issuing out of, land,

as are provided by the following provisions of this Schedule.

2. Subject to the provisions of this Schedule, from rent to which the person chargeable becomes entitled in a year of assessment there may be deducted the amount of any such payment as aforesaid which became due in the year of assessment or at an earlier time falling within the currency of the lease, in so far as the payment—

- (a) was made in respect of the premises comprised in the lease, and
- (b) in the case of a payment for maintenance or repairs, was incurred by reason of dilapidation attributable to a period falling within the currency of the lease or, in the case of any other payment, was incurred in respect of such a period :

Provided that where the person chargeable became the landlord after the lease began, references in the foregoing provisions of this paragraph to the currency of the lease shall not include any time before he became the landlord.

SCH. 4

3.—(1) In the case of a lease at a full rent, the foregoing paragraph shall apply as if references to the currency of the lease included any period (hereinafter referred to as “a previous qualifying period”)—

- (a) during which the person chargeable was the landlord in relation to a previous lease of the premises, being a lease at a full rent, or
- (b) which was a void period beginning either with the termination of a previous such lease as aforesaid or with the acquisition by the person chargeable of the interest in the premises giving him the right to possession thereof,

so however that a period shall not be a previous qualifying period if it preceded a period ending before the beginning of the lease which was not itself a previous qualifying period.

(2) Where during any period the conditions necessary for the period to be a previous qualifying period were fulfilled as respects part of the premises, but not the whole, the period shall be treated as a previous qualifying period as respects that part of the premises only, and the foregoing sub-paragraph shall apply accordingly, any necessary apportionment being made of rent, payments or other matters.

(3) In this and the next following paragraph, “void period” means a period during which the person chargeable was not in occupation of the premises or any part thereof, but was entitled to possession thereof.

4. Subject to the provisions of this Schedule, in the case of a lease at a full rent, not being a tenant’s repairing lease, there may also be deducted the amount of any payment made in respect of other premises by the person chargeable—

- (a) in so far as that amount could be deducted under paragraphs 2 and 3 of this Schedule from rent to which he became entitled in the year of assessment under a lease of those other premises, being a lease at a full rent, or could be so deducted if that rent were not insufficient; or
- (b) if any part of the year of assessment is, in respect of those other premises, a void period beginning with the termination of a lease at a full rent, in so far as the amount could be deducted as aforesaid if the lease had continued until the end of that period.

5. Where by reason of any change of circumstances a lease ceases to be, or becomes, a tenant’s repairing lease or ceases to be, or becomes, a lease at a full rent, paragraphs 3 and 4 of this Schedule shall apply in relation to the lease as it subsists after the change of circumstances as if it were a new lease granted when the change occurred.

6. Where the person chargeable retains possession of a part of any premises and that part is used in common by persons respectively occupying other parts of the premises, the foregoing provisions of this Schedule shall apply as if a payment made in respect of the part used in common had been made in respect of those other parts.

Deductions from rents : land managed as one estate

SCH. 4

7.—(1) Where this paragraph applies to an estate for a year of assessment, the owner shall be treated—

- (a) in relation to a part of the estate which for any period in the year is not comprised in a lease under which he is the landlord, as if he were entitled under a lease of that part at a full rent (not being a tenant's repairing lease) to rent for the said period, becoming due from day to day, at a rate per annum equal to the annual value of that part ascertained in accordance with Schedule 5 to this Act ; and
- (b) in relation to a part of the estate which for any period in the year is comprised in a lease under which he is the landlord, not being a lease at a full rent, as if the lease were at a full rent and the rent, so far as it relates to that part, were at a rate per annum not less than the annual value of that part ascertained in accordance with the said Schedule 5,

and the foregoing provisions of this Schedule shall apply accordingly :

Provided that—

- (i) a payment relating to premises comprised in the estate shall not be deductible from rent in respect of premises not so comprised ;
 - (ii) paragraph (a) above shall not apply to premises occupied by the owner wholly and exclusively for purposes connected with the management of the estate or for the purposes of a trade, profession or vocation.
- (2) This paragraph shall apply to an estate if, at the end of the year 1962-63, the land then comprised therein was managed as one estate and the owner for the time being of the estate by notice in writing to the surveyor so elects, but such an election—
- (a) must be made within twelve months after the end of the first year of assessment for which the person making it became entitled to make it or such further time as the Commissioners of Inland Revenue may allow ;
 - (b) except in the case of the first election that can be made under this paragraph, shall not have effect unless the like election has had effect as respects the immediately preceding ownership ;
 - (c) shall apply in relation to the estate throughout the ownership of the person making it.
- (3) Where in any year of assessment the estate comprises premises not included in it at the end of the year 1962-63, sub-paragraph (1) of this paragraph (except the proviso) shall apply in relation to the year of assessment as if the premises were not included in the estate in the year :

Provided that where at the end of the year 1962-63 the owner of the remainder of the estate, as then subsisting, was entitled

SCH. 4 under trusts arising under a settlement or on an intestacy, or was entitled (in Scotland) under a disposition by way of liferent and feu, to an interest such that, on the occurrence of some future event or events, he might become the owner of the said premises, this sub-paragraph shall not apply to the premises if at any time before the end of the year 1962-63 the premises and the remainder of the estate, as then subsisting, were together managed as one estate.

(4) In this paragraph "estate" means land in one ownership managed as one estate.

Deductions from rents : premiums etc.

8.—(1) Where in relation to any premises—

- (a) tax has become chargeable under the provisions of section 22 (except subsection (6)), 23 or 24 of this Act on any amount (disregarding any reduction in that amount under this paragraph), or
- (b) tax would have become so chargeable on that amount but for the operation of section 22(6) of this Act or this paragraph, or but for any exemption from tax,

and, in respect of a lease granted out of, or disposition of, the lease, estate or interest in respect of which tax so became or would have become chargeable on the said amount (in this and the two following paragraphs referred to as "the amount chargeable on the superior interest"), a person would apart from this paragraph be chargeable under the said provisions on any amount (in this and the following paragraph referred to as "the later chargeable amount"), the amount on which he is so chargeable shall, where no claim is or can be made by him under section 22(6) of this Act, be the excess (if any) of the later chargeable amount over the appropriate fraction of the amount chargeable on the superior interest.

(2) Where a person would apart from this paragraph be so chargeable in respect of a lease or disposition which extends to a part only of the said premises, the amount on which he is so chargeable shall, where no claim is or can be made by him under section 22(6) of this Act, be the excess (if any) of the later chargeable amount over so much of the appropriate fraction of the amount chargeable on the superior interest as, on a just apportionment, is attributable to that part of the premises.

(3) For the purposes of this and the following paragraph the appropriate fraction of the amount chargeable on the superior interest is the sum which bears to that amount the same proportion as the period in respect of which the later chargeable amount arose bears to the period in respect of which the amount chargeable on the superior interest arose, and for those purposes the period in respect of which an amount arose—

- (a) where it arose under section 22 of this Act, shall be the period treated in computing the amount as being the duration of the lease ; or

- (b) where it arose under section 23 of this Act, shall be the period treated in computing the amount as being the duration of the lease remaining at the date of the assignment, or
- (c) where it arose under section 24 of this Act, shall be the period beginning with the sale and ending on the date fixed under the terms of the sale as the date of the reconveyance or grant, or, if that date is not fixed, ending with the earliest date at which the reconveyance or grant could take place in accordance with the terms of the sale.

SCH. 4

9.—(1) Where in relation to any premises tax has or would have become chargeable as mentioned in sub-paragraph (1)(a) or (b) of the foregoing paragraph in respect of a lease, estate or interest, then, subject to the provisions of the following sub-paragraph, the person for the time being entitled to the lease, estate or interest shall be treated for the purpose of deductions under the foregoing provisions of this Schedule from rent receivable by him in respect of those or other premises as paying rent for those premises (in addition to any actual rent), becoming due from day to day, during any part of the period in respect of which the amount chargeable on the superior interest arose for which he was entitled to the lease, estate or interest, and in all bearing to that amount the same proportion as that part of the period bears to the whole.

(2) Where the foregoing paragraph has effect in relation to a lease granted out of, or disposition of, the lease, estate or interest in respect of which tax has or would have become so chargeable, sub-paragraph (1) above shall apply for the period in respect of which the later chargeable amount arose only if the appropriate fraction of the amount chargeable on the superior interest exceeds the later chargeable amount, and shall then apply as if the amount chargeable on the superior interest were reduced in the proportion which the said excess bears to the said appropriate fraction :

Provided that where the lease so granted, or the said disposition, extends to a part only of the premises, sub-paragraph (1) above and this sub-paragraph shall be applied separately in relation to that part and to the remainder of the premises, but as if for any reference to the amount chargeable on the superior interest there were substituted a reference to that amount proportionately adjusted.

10.—(1) Where the amount chargeable on the superior interest arose under section 22(2) of this Act by reason of an obligation which included the carrying out of work in respect of which any allowance has fallen or will fall to be made under Part X or Part XI of the Act of 1952, paragraphs 8 and 9 of this Schedule shall apply as if the obligation had not included the carrying out of that work and the said amount had been calculated accordingly.

(2) Where an amount relevant for the purposes of paragraph 8 or 9 of this Schedule arose under section 24 of this Act and the reconveyance or grant in question takes place at a price different from that taken in calculating the amount or on a date different from that taken in determining the period in respect of which the

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SCH. 4

amount arose, that paragraph shall be deemed to have had effect (for all relevant years of assessment) as it would have had effect if the actual price or date had been so taken, and such adjustment of liability to tax shall be made, by means of an additional assessment or otherwise, as may be necessary and may be so made at any time at which it could be made if it related only to tax for the year of assessment in which the reconveyance or grant takes place.

Deductions from rents : payments made before 1964-65

11.—(1) Except as provided by this and the following paragraph, no payment shall be deductible under the foregoing provisions of this Schedule if made before the beginning of the year 1964-65.

(2) If the cost to the owner of any premises of maintenance, repairs, insurance and management during the five years ending with the year 1963-64 exceeded the relief available to him in respect of those five years, the excess shall be treated for the purposes of the foregoing provisions of this Schedule as if it were a payment in relation to the premises made by him in the year 1964-65 in respect of dilapidation attributable to that year :

Provided that there shall be disregarded for the purposes of this sub-paragraph—

- (a) any payment made during a period when the owner was in occupation of the premises, and any relief so far as it was available to him in respect of such a period ;
- (b) any payment in respect of which a deduction may be made by virtue of paragraph 12 of this Schedule ;
- (c) any payment for works falling within section 101(2) of the Act of 1952 (by virtue of which "maintenance" includes the replacement of farm buildings etc.), being a payment made after the end of the five years which, under section 101(7) of that Act, were treated as the five years preceding the year 1963-64, or would have been so treated if a claim under section 101 of that Act could have, and had, been made for that year,

and where during any period the owner was in occupation of a part only of the premises there shall be disregarded for those purposes so much of any payment made during the period, or relief available to him in respect of the period, as is attributable to that part.

(3) Where relief available in respect of any land managed as one estate fell to be computed in accordance with section 101(4) of the Act of 1952, payments made in respect of the estate, and the relief so available, shall for the purposes of the foregoing sub-paragraph be treated as apportioned between the premises comprised in the estate in accordance with their annual values for purposes of Schedule A, but so that as respects any premises in relation to which the owner was chargeable under section 175 of the Act of 1952 (excess rents) the annual value shall be taken to be that determined as mentioned in subsection (1) of that section.

(4) References in this paragraph to relief available to a person in respect of any premises are references to relief which was or, on a claim in that behalf, could have been allowed to him in respect of the premises under sections 99 to 101 or 176(1)(g) of the Act of 1952.

SCH. 4

12.—(1) If, in respect of any payment such as is mentioned in paragraph 1 of this Schedule made by a person in relation to any premises before the beginning of the year 1964-65, a loss is by virtue of section 346 of the Act of 1952 (relief in respect of losses under Case VI of Schedule D) carried forward to that year, the amount of the loss shall be treated for the purposes of the foregoing provisions of this Schedule as if it were a like payment made by that person in respect of the premises in, and in respect of, that year.

(2) Where by virtue of sub-paragraph (1) above a deduction falls to be made in any year it shall be made notwithstanding anything in subsection (3) of the said section 346 (which requires relief under that section to be given as far as possible from the first subsequent Case VI assessment), and relief shall not be given under that section in respect of a loss in so far as a deduction in respect of it is made under this paragraph.

Deductions from other receipts

13.—(1) Subject to the provisions of this Schedule, where the sum to which a person becomes entitled in the year of assessment is a sum other than rent payable under a lease there shall be deducted from that sum such amounts (if any) as are expressed to be deductible under the following sub-paragraph.

(2) There shall be deductible—

- (a) so much of any payment made by that person as was made in respect of maintenance, repairs, insurance or management of premises to which the said sum relates and constituted an expense of the transaction under which he became entitled to that sum ;
- (b) so much of any rent, rentcharge, ground annual, feu duty or other periodical payment made by that person as was reserved in respect of, or was charged upon or issued out of, premises to which the sum relates and constituted an expense of that transaction ;
- (c) so much of any other payment made by that person as constituted an expense of that transaction, not being an expense of a capital nature ;
- (d) where, in or before the year, that person entered into any like transaction, any amount which, under the foregoing sub-paragraphs, is deductible from a sum to which he is entitled under that like transaction in the year, or was deductible from a sum to which he was so entitled in a previous year of assessment but has not been deducted.

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SCH. 4

14. No payment shall be deductible under the foregoing paragraph if made before the beginning of the year 1964-65 :

Provided that this paragraph shall not prevent the deduction of a payment in so far as a loss in respect of the payment is by virtue of section 346 of the Act of 1952 (relief in respect of losses under Case VI of Schedule D) carried forward to that year, and where the deduction falls to be made it shall be made notwithstanding anything in subsection (3) of that section (which requires relief to be given as far as possible from the first subsequent Case VI assessment), and to the extent that it is made relief shall not be given under that section.

15.—(1) Where the person entitled to possession of any land is in the practice of granting sporting rights over the land for payment, but in any year of assessment such rights are for any reason not granted by him, the aggregate of any amounts paid by him which, if such rights had been granted in the year, would have been deductible under paragraph 13 above from payments receivable by him in respect of the grant shall be treated for the purposes of paragraph 4 of this Schedule as a deduction which by virtue of paragraph 2 thereof might have been made by him from rent to which he was entitled for that year under a lease of the land, being a lease at a full rent :

Provided that if in the year sporting rights over the land are exercised by that person or by any other person at his invitation or, where the first mentioned person is a company to which section 245 of the Act of 1952 applies, by any person who is a director or member of the company within the meaning of Chapter III of Part IX of that Act, the aggregate of the said amounts shall be treated as reduced by an amount equal to the price which might reasonably be expected to have been paid for that exercise of the rights if the person exercising them had had to give full consideration therefor.

(2) For the purposes of the proviso to the foregoing sub-paragraph, an exercise of sporting rights shall be disregarded if it gives rise to a charge to tax under Schedule E by virtue of section 161 (benefits to directors etc.) of the Act of 1952.

(3) In this paragraph "sporting rights" means rights of fowling, shooting or fishing, or of taking or killing game, deer or rabbits.

Expenditure on sea walls

16.—(1) Where in any year of assessment the owner or tenant of any premises incurs expenditure in the making of any sea wall or other embankment necessary for the preservation or protection of the premises against the encroachment or overflowing of the sea or any tidal river, he shall be treated for the purposes of this Schedule as making, in that year of assessment and in each of the succeeding twenty years of assessment, a payment in relation to the premises preserved or protected by the embankment of an amount equal to a twenty-first part of the expenditure and incurred in respect of dilapidation attributable to the year.

(2) Where the whole of that person's interest in the premises, or any part thereof, is transferred, whether by operation of law or otherwise, to some other person, then—

- (a) the amount of the payment which he would be so treated as making for the year of assessment in which the transfer takes place shall be treated as being made partly by the transferor and partly by the transferee, as may be just; and
- (b) the transferee shall, to the exclusion of the transferor, be treated in any subsequent year, where the interest transferred is in the whole of the premises, as having made the whole of the payment for that year, and where the interest transferred is in part only of the premises, as having made so much of the payment for the year as is properly referable to that part of the premises.

For the purposes of this sub-paragraph, where an interest in any premises is a lease and that lease comes to an end, that interest shall be deemed to have been transferred—

- (i) if an incoming lessee makes any payment to the outgoing lessee in respect of the embankment in question, to the incoming lessee; and
- (ii) in any other case, to the owner of the interest in immediate reversion on the lease and, in relation to Scotland, the expression "the owner of the interest in immediate reversion on the lease" shall be construed as a reference to the landlord.

(3) In relation to expenditure in respect of which an allowance under section 94(1)(c) of the Act of 1952 would, but for the provisions of this Act, have fallen to be made in respect of the premises for the year 1964–65, the foregoing provisions of this paragraph shall apply as if the expenditure had been incurred in the year of assessment following that in which it was actually incurred and, so far as the expenditure was incurred in repairing the embankment in question, shall apply as if it had been incurred in making it, but those provisions shall not otherwise apply to expenditure incurred before the beginning of the year 1964–65:

Provided that the person who under the foregoing provisions of this sub-paragraph would be treated, in respect of expenditure incurred in repairing the embankment, as having made in the year 1964–65 a payment as mentioned in sub-paragraph (1) of this paragraph may before the expiration of the year 1965–66 by notice in writing to the surveyor claim that so much of that expenditure as exceeded the total allowances made in respect of it under the said section 94(1)(c) shall instead be treated for the purposes of this Schedule as if it had been an amount paid by him in respect of the maintenance of the premises preserved or protected by the embankment in, and in respect of, the year 1964–65.

(4) This paragraph shall not apply in relation to any expenditure in respect of which an allowance has been made under Part X or Part XI of the Act of 1952.

SCH. 4

Supplemental

17.—(1) Subject to the provisions of this paragraph, where a sum or part of a sum deductible under the foregoing provisions of this Schedule can be deducted for the year of assessment in which the sum is paid it shall be so deducted, and where it cannot it shall be deducted for the earliest year of assessment for which it can be deducted.

(2) Where for any year of assessment the amount from which deductions can be made under the foregoing provisions of this Schedule is sufficient to allow the deduction therefrom of some, but not all, of different sums or parts of sums deductible under those provisions, the sum or parts to be deducted for that year shall in the aggregate be equal to the said amount, and subject to that requirement shall be such as the person whose liability to tax is in question may choose.

(3) No deduction shall be made under this Schedule in respect of a payment made by a person—

(a) to the extent to which the payment has been or will be balanced by the receipt of insurance moneys, or recovered from or in any other manner borne by some other person, otherwise than by means of an amount on the profits or gains arising from which the first-mentioned person would be chargeable under Case VIII, or

(b) if the payment is payable under deduction of tax.

(4) An amount or part of an amount shall not be deducted under this Schedule more than once from any sum or from more than one sum, and shall not in any case be deducted thereunder if it has been otherwise allowed as a deduction in computing the income of any person for purposes of income tax.

(5) Where, on account of a payment made in any year of assessment, a deduction falls to be made under this Schedule from any rents or receipts to which the person making the payment became entitled in a previous year, all such adjustments of liability to tax shall be made, by repayment or otherwise, as may be necessary to give effect to the deduction.

18. This Schedule has effect subject to the provisions of sections 476 and 477 of the Act of 1952.

19. In this Schedule references to a lease extend only to a lease conferring a right, as against the person whose interest is subject to the lease, to the possession of premises;

“premises” includes any land;

“rent” includes a payment made by the tenant to defray the cost of work of maintenance of or repairs to the demised premises, not being work required by the lease to be carried out by the tenant; and

“tenant’s repairing lease” means a lease where the lessee is under an obligation to maintain and repair the whole, or substantially the whole, of the premises comprised in the lease,

and for the purposes of this Schedule a lease shall be taken to be at a full rent if the rent reserved under the lease (including an appropriate sum in respect of any premium under the lease) is sufficient, taking one year with another, to defray the cost to the lessor of fulfilling his obligations under the lease and of meeting any expenses of maintenance, repairs, insurance and management of the premises subject to the lease which fall to be borne by him.

SCH. 4

SCHEDULE 5

ASCERTAINMENT OF ANNUAL VALUE

1. The annual value shall be taken to be the rent which might reasonably be expected to be obtained on a letting from year to year if the tenant undertook to pay all usual tenant's rates and taxes, and if the landlord undertook to bear the costs of the repairs and insurance, and the other expenses, if any, necessary for maintaining the subject of the valuation in a state to command that rent.

Sections 20, 28,
47.
Schedules 4, 12.

2. Section 6 of the Rating and Valuation Act 1961 (adjustment of gross value by reference to provision of or payment for services, etc.) shall apply for the purposes of the foregoing paragraph, and in relation to land in Scotland or Northern Ireland shall apply as if it extended to the whole of the United Kingdom.

SCHEDULE 6

RELIEF WHERE PREMIUM, ETC. TREATED AS RENT

1. The relief shall be computed in accordance with the following provisions of this Schedule, and in those provisions—

Section 25.

“chargeable sum” means an amount to which, under subsection (1), (2), (3) or (4) of section 22 of this Act, the claimant is treated as becoming entitled in the year of assessment, or in respect of which he is, by virtue of subsection (5) of that section or section 23 or 24 of this Act chargeable to tax for the year under Case VI of Schedule D ;

“relevant period”, in relation to any chargeable sum, means the period treated in computing the amount of the sum as being the duration of the lease in respect of which it arises or, where it arises (by virtue of the said section 24) in connection with the sale of an estate or interest in land, means the period mentioned in subsection (1) of that section ;

“yearly equivalent”, in relation to any chargeable sum, means the amount which bears to that sum the same proportion as one bears to the number of years and fractions of years in the relevant period.

2. There shall be computed—

(a) the amount of the tax which, in respect of the chargeable sum or the aggregate of the chargeable sums, as the case may be, would be chargeable if—

(i) the relief were not given, and

SCH. 6

(ii) that sum or aggregate were treated as the highest part of the claimant's total income, and

(iii) amounts deductible in computing the tax so far as possible deducted from other sums from which they are deductible in the year rather than from that sum or aggregate; and

(b) the amount of the tax which, in respect of that sum or aggregate, would be chargeable if calculated by reference to the yearly equivalent of that sum or of each sum comprised in that aggregate, as the case may be, in accordance with the following paragraph,

and the relief shall consist of a reduction or repayment of an amount equal to the difference between those amounts.

3.—(1) Where the relief is to be given in respect of one chargeable sum only, the tax shall be calculated for the purposes of paragraph 2(b) of this Schedule as follows, that is to say—

(a) from the yearly equivalent of that sum there shall be deducted such amounts as, following the principle set out in paragraph 2(a)(iii) of this Schedule, are deductible from that sum;

(b) if any balance of the yearly equivalent remains, the rate in respect of the chargeable sum shall be calculated at the rate which, apart from the relief, would apply if the amount of the sum were reduced to the amount of that balance; were then treated as the highest part of the claimant's total income or, if two or more rates would then apply, at those rates in corresponding proportions;

(c) if no such balance remains, the tax shall be calculated at the rate applicable to the highest part of the remainder of the claimant's total income for the year of assessment,

and whether or not any such balance remains the tax shall be arrived at by applying the said rate or rates to so much of the chargeable sum as remains after deducting such amounts as, following the principle set out in the said paragraph 2(a)(iii), are deductible from that sum.

(2) Where the relief is to be given in respect of two or more chargeable sums, the tax for each shall be calculated for the said purposes as provided by the foregoing sub-paragraph, but that—

(a) the rate of tax on a sum arising in respect of any relevant period shall be calculated before the rate of tax on any sum arising in respect of a shorter relevant period;

(b) in calculating the rate of tax on a sum arising in respect of any relevant period and the deductions from that sum, an amount deducted in respect of a sum tax for which it has already been calculated shall not again be deducted, and in calculating a rate of tax—

(i) any chargeable sum tax for which it has already been calculated or in respect of which no balance of the yearly equivalent remains shall be disregarded;

(ii) as respects any other chargeable sum, the total income of the claimant shall be taken to include the sum, but on the assumption that the amount of it was only that of the balance remaining of the yearly equivalent.

SCH. 6

(3) Where two or more chargeable sums arise in respect of relevant periods of equal duration they shall be treated for the purposes of this paragraph as a single chargeable sum of an amount equal to the aggregate of those sums and arising in respect of a relevant period of like duration.

4. A provision of paragraph 2 or 3 of this Schedule requiring tax to be calculated as if an amount were treated as the highest part of the claimant's total income shall apply notwithstanding any provision of the Income Tax Acts directing other income to be treated as the highest part of his total income, but for the purposes of those paragraphs his total income shall be deemed not to include any amount in respect of which he is chargeable to tax under section 37 of the Finance Act 1960 (payments on retirement or removal from office or employment).

5. A provision of paragraph 2 or 3 of this Schedule shall apply in relation to any part of the claimant's total income (as computed for the purpose of that provision) as respects which he would be entitled under Part VIII of the Act of 1952 (personal and other reliefs) to a deduction equal to tax at the standard rate on that part as if that part were subject to a nil rate of tax, and shall apply in relation to any part thereof as respects which he would be entitled under section 220 of that Act (reduced rate relief) to a deduction equal to tax at any other rate on that part as if that part were subject to a rate of tax equal to the difference between the standard rate and that other rate.

6.—(1) Sections 224 and 227 of the Act of 1952 shall apply, subject to any necessary modifications, in relation to claims for relief under this Schedule as they apply in relation to claims for relief under Part VIII of that Act, and a claim for relief under this Schedule in respect of surtax may be made to the Special Commissioners by an individual at the time of making his return for the year of assessment for the purposes of surtax or at any subsequent time not later than six years after the end of the year of assessment.

(2) Except in relation to a claim in respect of surtax, section 19 of this Act shall not apply as respects relief under this Schedule, and in relation to a claim in respect of surtax shall apply as if references to the surveyor and the Commissioners concerned were references to the Special Commissioners, and as if proviso (c) were omitted.

7. For the purposes of any provision of the Income Tax Acts (other than this Schedule) requiring income of any description to be treated as the highest part of a person's income, his income shall be calculated without regard to any chargeable sum; and where for any year of assessment a person claims relief both under this Schedule and under paragraph 7 of Schedule 4 to the Finance Act 1960 then, in calculating relief under the said paragraph 7, the claimant's income shall be deemed to include, in respect of any chargeable sum (including two or more sums treated for the purposes of paragraph 3 of this

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- SCH. 6 Schedule as one chargeable sum), no greater amount than the balance (if any) of the yearly equivalent thereof remaining after the making of any deduction required by the said paragraph 3.

SCHEDULE 7

Section 26,
Schedule 12.

MINING, QUARRYING, ETC. CONCERNS

1. Mines and quarries (including gravel pits, sand pits and brickfields).
2. Ironworks, gasworks, salt springs or works, alum mines or works (not being mines falling within the preceding paragraph), and waterworks and streams of water.
3. Canals, inland navigations, docks, and drains or levels.
4. Fishings.
5. Rights of markets and fairs, tolls, bridges and ferries.
6. Railways and other ways.
7. Other concerns of the like nature as any of the concerns specified in paragraphs 2 to 5 of this Schedule.

SCHEDULE 8

Section 29.

TRANSITIONAL ALLOWANCES FOR ANNUAL VALUE OF TRADE PREMISES

1. Subject to the provisions of this Schedule, an allowance under this Schedule shall be made to the person carrying on a trade where land which was occupied by him at any time before the end of the year 1962-63 for the purposes of the trade permanently ceases to be occupied by him for those purposes.
2. The amount of the allowance shall be the excess of—
 - (a) the aggregate of any deductions in respect of the annual value of the land which, by virtue of section 136 of the Act of 1952, would have been made in computing the profits or gains of the trade for the years 1963-64 and 1964-65 but for section 29 (1) of this Act and the repeal by this Act of the said section 136, over
 - (b) the aggregate of any deductions relating to the land made in computing the profits or gains of the trade for those years, being—
 - (i) deductions permitted by section 29 (2) of this Act, so far as made in respect of the period in respect of which the deductions mentioned in paragraph (a) above would have been made, or
 - (ii) deductions in respect of rent from which an amount representing tax was deducted under section 173 of the Act of 1952, so far as made in respect of that period.

3. The allowance shall be made by—

- (a) treating the amount of it as rent paid for the land by the said person (in addition to any actual rent) becoming due from day to day during the period defined in paragraph 4 of this Schedule, and
- (b) allowing deductions accordingly in computing the profits or gains of the trade chargeable under Case I of Schedule D for any year of assessment the profits or gains for which fall to be computed by reference to a period including that period or any part thereof.

4. The said period is that ending when the land permanently ceases to be occupied by the said person for the purposes of the trade, and of a duration equal to the aggregate of—

- (a) the number of months and fractions of months during which the land was occupied by him for the purposes of the trade in so much of the period by reference to which the profits or gains of the trade for the year 1963–64 fall to be computed as fell before the beginning of that year, and
- (b) the number of months and fractions of months during which the land was so occupied in so much of the period by reference to which the profits or gains of the trade for the year 1964–65 fall to be computed as fell before the beginning of the year 1963–64.

5. No allowance shall be made under this Schedule where the date on which the land permanently ceases to be occupied by the said person for the purposes of the trade—

- (a) falls within a year of assessment and also within a period by reference to which the profits or gains of the trade for that year of assessment fall to be computed, or
- (b) falls within a year of assessment in which he permanently ceases to carry on the trade.

6. Where there is a change in the persons carrying on the trade, but by virtue of section 19(3) of the Finance Act 1953 or section 17(1) of the Finance Act 1954 the trade does not by reason of the change fall to be treated for any of the purposes of the Income Tax Acts as permanently discontinued, this Schedule (including this paragraph) shall apply as if any occupation of the land before the change occurred by the persons carrying on the trade immediately before it occurred were occupation by the persons carrying on the trade immediately after it occurred.

7. Where, by reason of a change in the persons carrying on the trade, the trade falls to be treated for any of the purposes of the Income Tax Acts as permanently discontinued, a person engaged in carrying on the trade immediately before the change occurred who continues to be so engaged immediately after it occurred shall be treated for the purposes of this Schedule as not having been in occupation of the land at any time before it occurred.

- SCH. 8 8. The foregoing provisions of this Schedule shall apply in relation to a profession or vocation as they apply in relation to a trade, as if the reference in paragraph 3 to Case I of Schedule D were a reference to Case II of that Schedule.

Sections 29, 37,
69.

SCHEDULE 9

ALLOWANCE OF TRADING DEDUCTION WHERE PREMIUM ETC. PAID

1. In this Schedule—

“the amount chargeable” means the amount referred to in section 29(3) of this Act, and

“the relevant period”—

(a) where the amount chargeable arose under section 22 of this Act, means the period treated in computing that amount as being the duration of the lease ;

(b) where that amount arose under section 23 of this Act, means the period treated in computing the amount as being the duration of the lease remaining at the date of the assignment ;

(c) where that amount arose under section 24 of this Act, means the period beginning with the date and ending on the date fixed under the terms of the sale as the date of the reconveyance or grant, or, if that date is not fixed, ending with the earliest date at which the reconveyance or grant could take place in accordance with the terms of the sale.

2. Subject to the provisions of this Schedule, where during a part of the relevant period the land in relation to which the amount chargeable arose is occupied by the person for the time being entitled to the lease, estate or interest as respects which it arose for the purposes of a trade, profession or vocation carried on by him, he shall be treated, in computing the profits or gains of the trade, profession or vocation chargeable to tax under Case I or II of Schedule D, as paying in respect of that land rent for the period (in addition to any actual rent) becoming due from day to day of an amount which bears to the amount chargeable the same proportion as that part of the relevant period bears to the whole.

3. As respects any period during which a part only of the land in relation to which the amount chargeable arose is occupied as mentioned in the foregoing paragraph, that paragraph shall apply as if the whole were so occupied, but the amount chargeable shall be treated as reduced by so much thereof as, on a just apportionment, is attributable to the remainder of the land.

4. Where a person, although not in occupation of the said land or a part thereof, deals with his interest in the land or that part as property employed for the purposes of a trade, profession

vocation carried on by him, paragraphs 2 and 3 of this Schedule shall apply as if the land or part were occupied by him for those purposes:

SCH. 9

Provided that—

- (a) where paragraph 8 of Schedule 4 to this Act has effect in relation to a lease granted out of that interest, paragraph 9(2) of that Schedule shall apply for modifying the operation of the said paragraphs 2 and 3 as it applies for modifying the operation of paragraph 9(1) of that Schedule;
- (b) in computing profits or gains for any year of assessment, rent shall not by virtue of this paragraph be treated as paid by a person for any period in respect of land in so far as rent treated under paragraph 9 of Schedule 4 to this Act as paid by him for that period in respect of the land has in any previous year of assessment been deducted, or falls in that year to be deducted, under that Schedule.

5. Where, in respect of expenditure on the acquisition of his interest in the land in relation to which the amount chargeable arose, a person has become entitled to an allowance under section 37 of this Act (mineral depletion) for any year of assessment, then—

- (a) if the allowance is in respect of the whole of the expenditure, no deduction shall be allowed him under this Schedule for that or any subsequent year, or
- (b) if the allowance is in respect of part only of the expenditure, a deduction allowed him under this Schedule for that or any subsequent year shall be of an amount bearing to the amount which apart from this paragraph would fall to be deducted the same proportion as the remainder of the expenditure bears to the whole.

6. Where the amount chargeable arose under section 22(2) of this Act by reason of an obligation which included the carrying out of work in respect of which any allowance has fallen or will fall to be made under Part X or Part XI of the Act of 1952, this Schedule shall apply as if the obligation had not included the carrying out of that work and the amount chargeable had been calculated accordingly.

7. Where the amount chargeable arose under section 24 of this Act and the reconveyance or grant in question takes place at a price different from that taken in calculating that amount or on a date different from that taken in determining the relevant period, the foregoing provisions of this Schedule shall be deemed to have had effect (for all relevant years of assessment) as they would have had effect if the actual price or date had been so taken, and such adjustment of liability to tax shall be made, by means of an additional assessment or otherwise, as may be necessary and may be so made at any time at which it could be made if it related only to tax for the year of assessment in which the reconveyance or grant takes place.

PROVISIONS AS TO CLAIMS UNDER SECTION 43

1. A claim under section 43 of this Act shall be made to the surveyor, and shall not be made later than two years after the end of the year of assessment to which, or to a part of which, it relates.

2.—(1) No such claim shall have effect unless it is proved that during the year or part of a year to which the claim relates—

- (a) no property belonging to the association making the claim was let otherwise than to a member of the association ;
- (b) no property let by the association, and no part of such property, was occupied, whether solely or as joint occupier, by a person not being a member of the association ;
- (c) the association making the claim satisfies the conditions specified in section 43(5)(i) and (ii) of this Act and has complied with the conditions prescribed under section 43(5)(iii) thereof for the time being in force ; and
- (d) any covenants required to be included in grants of tenancies by those conditions have been observed :

Provided that where the Commissioners of Inland Revenue are satisfied that the requirements of sub-paragraphs (a) to (d) of this paragraph are substantially complied with they may direct that the claim shall have effect, but if subsequently information comes to the knowledge of the Commissioners which satisfies them that the direction was not justified they may revoke the direction and thereupon the liability of all persons concerned to income tax for all relevant years shall be adjusted by the making of assessments or additional assessments or otherwise.

(2) For the purposes of sub-paragraph (1)(b) of this paragraph occupation by any other person in accordance with the will, or the provisions applicable on the intestacy, of a deceased member, shall be treated during the first six months after the death as if it were occupation by a member.

3. Any such claim shall be in such form and contain such particulars as may be prescribed by the Commissioners of Inland Revenue, and, without prejudice to the generality of this provision, the required particulars may include an authority granted by all members of the association for any relevant information contained in any return or statement made by a member under the provisions of the Income Tax Acts to be used by the Commissioners in such manner as they may think fit for determining whether the claim ought to be allowed.

SCHEDULE 11

Sections 55 and
56.

STAMP DUTY TABLES

PART I

AD VALOREM DUTY ON CONVEYANCE OR TRANSFER ON SALE

Amount or value of consideration	Special rate for certain instruments certified at £6,000	Ordinary rate
	s. d.	s. d.
Not exceeding £1 5s.	3	3
Exceeding £1 5s. but not exceeding £2 10s.	3	6
" £2 10s. " " " £3 15s.	6	9
" £3 15s. " " " £5 ...	6	1 0
" £5 " " " £10 ...	1 0	2 0
" £10 " " " £15 ...	1 6	3 0
" £15 " " " £20 ...	2 0	4 0
" £20 " " " £35 ...	2 6	5 0
" £35 " " " £60 ...	5 0	10 0
" £60 " " " £80 ...	7 6	15 0
" £80 " " " £100 ...	10 0	20 0
" £100 " " " £300		
for every £25 or part of £25 of the consideration	2 6	5 0
" £300		
for every £50 or part of £50 of the consideration	5 0	10 0

SCH. 11

PART II
REVISED TABLE OF STAMP DUTIES ON LEASES
(PARAGRAPH (3) OF HEADING)

	If the term does not exceed 7 years or is indefinite	If the term exceeds 7 years but does not exceed 35 years	If the term exceeds 35 years but does not exceed 100 years	If the term exceeds 100 years
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Not exceeding £5 per annum	Nil	1 0	6 0	12 0
Exceeding £5 and not exceeding £10	Nil	2 0	12 0	1 4 0
Exceeding £10 and not exceeding £15	Nil	3 0	18 0	1 16 0
Exceeding £15 and not exceeding £20	Nil	4 0	1 4 0	2 8 0
Exceeding £20 and not exceeding £25	Nil	5 0	1 10 0	3 0 0
Exceeding £25 and not exceeding £50	Nil	10 0	3 0 0	6 0 0
Exceeding £50 and not exceeding £75	Nil	15 0	4 10 0	9 0 0
Exceeding £75 and not exceeding £100	Nil	1 0 0	6 0 0	12 0 0
Exceeding £100 for any full sum of £50 and also for any fractional part thereof	5 0	10 0	3 0 0	6 0 0

SCHEDULE 12

Section 73.

AMENDMENTS ARISING FROM CHAPTER II OF PART II OF THIS ACT
PART I

AMENDMENTS OF THE INCOME TAX ACTS

The War Damage (Public Utility Undertakings, &c.) Act 1949
 (12, 13 & 14 *Geo. 6. c. 36*)

1. In section 28(2), the following shall be substituted for paragraph (b)—

“(b) the profits or gains of any person chargeable to income tax under Case VIII of Schedule D;”.

The Income Tax Act 1952
 (15 & 16 *Geo. 6. & 1 Eliz. 2. c. 10*)

2. In subsections (1) and (4) of section 34 and in section 35, for the words “Schedules A and B” in each place where they occur there shall be substituted the words “Schedule B”.

3. In section 123(1), in paragraph (a) of Case III, after the word “periods” there shall be inserted the words “but not including any payment chargeable under Case VIII of Schedule D”; and in Case VI for the words “any of the foregoing Cases” there shall be substituted the words “any other Case of Schedule D”.

4. In section 153, in subsection (1), for the words "the proviso to paragraph 1 of Schedule A" there shall be substituted the words "Schedule 7 to the Finance Act 1963", and in subsection (5), for the words "the proviso to paragraph 1 of Schedule A" there shall be substituted the words "section 26(1) of the Finance Act 1963".

5.—(1) At the end of section 162(4) there shall be inserted the words "In the case of an asset being land, the annual value of the use of the asset shall be taken for the purposes of this subsection to be the annual value of the land determined in accordance with Schedule 5 to the Finance Act 1963".

(2) This paragraph shall have effect in relation to tax for the year 1963-64.

6. In section 169, the following subsections shall be inserted at the end—

"(4) This section shall not apply to any rents or other sums in respect of which the person entitled to them is chargeable to tax under Case VIII of Schedule D or would be so chargeable if he were not exempt from tax.

(5) Any payment made for the period ending on the 15th May in any year in respect of yearly interest secured on land in Scotland shall be treated for the purposes of this section as if it had become due at the commencement of that period."

7. In section 170, the following subsection shall be inserted at the end—

"(5) Except as provided by section 16 (6) of the Finance Act 1963, this section shall not apply to any rents or other sums in respect of which the person entitled to them is chargeable to tax under Case VIII of Schedule D or would be so chargeable if he were not exempt from tax."

8. In subsections (1) and (2) of section 180, for the words "the proviso to paragraph 1 of Schedule A" in each place where they occur there shall be substituted the words "Schedule 7 to the Finance Act 1963".

9. In section 262, in subsection (5), for the words "for the purposes of a claim by the company for relief under section one hundred and one of this Act" there shall be substituted the words "in computing profits or gains of the company for the purposes of Case VIII of Schedule D", and in subsection (8), after the words "Schedule B, income", there shall be inserted the words "(other than yearly or other interest)", and for the words from "means lands" to "heritages" there shall be substituted the words "includes any interest in or right over land".

10. In section 270(6)(a), for the words "Schedule A" there shall be substituted the words "Case VIII of Schedule D".

11.—(1) Section 313 shall be amended as provided by the following sub-paragraphs.

(2) For the words "the owner" there shall be substituted the words "in the case".

SCH. 12 (3) For paragraphs (a) and (b) there shall be substituted the following—

- “(a) the deduction of a sum in respect of payments in the year of assessment for maintenance, repairs, insurance or management of the estate, or in respect of allowances for machinery or plant provided for use or used on the estate, is provided for by section 15(3) of the Finance Act 1963 or section 72 of the Finance Act 1960; and
- (b) owing to the insufficiency of rents and receipts to which the owner of the estate becomes entitled in the year, whether from the estate or other property, the sum cannot be deducted (other amounts deductible under Case VIII of Schedule D being treated as deductible in priority to that sum).”

(4) In paragraph (i) of the proviso, for the words “of the units of assessment included therein” there shall be substituted the words “parts thereof”.

(5) In paragraph (ii) of the proviso, for the words “where units of assessment included in the estate” there shall be substituted the words “payments or allowances in respect of parts thereof which”, and for the word “units” in the third place where it occurs there shall be substituted the word “parts”.

12. In section 315, in the definitions of “agricultural income” and “forestry income” for the words “Schedule A” in each place where they occur there shall be substituted the words “Case VIII of Schedule D”; and in the definition of “estate”, for the words from “or houses” to the end there shall be substituted the words “(including any houses or other buildings) managed as one estate”.

13. In section 345(2), the following paragraph shall be inserted at the end—

- “(f) any payment to which the said section 170 applies by virtue of section 16(6) of the Finance Act 1963.”

14. In section 425(3) for the words from “as to which” to the end there shall be substituted the words “which are deductible in computing profits or gains of the company for the purposes of Case VIII of Schedule D”.

15. In section 451(1), for the words from “Schedule A in” to “Schedule D” there shall be substituted the words “Schedule D in respect of any land (including an interest in or right over land) vested in them”.

16. In Schedule 23, in Part I, in paragraph 1, for the words “Schedules A and B” there shall be substituted the words “Schedule B”, and in paragraph 4, in sub-paragraph (2), after the words “upon him” there shall be inserted the words “or on any question as to the annual value of land”, for the words “his appeal” there shall be substituted the words “the matter”, after the words “was made” there shall be inserted the words “or the land is situated” and for the word “appeal” where it last occurs there shall be substituted the word “determination”, and in sub-paragraph (3), for the word “appeal” there shall be substituted the word “matter” and after the word “against” there shall be inserted the words “or, as the case may be, the question of annual value”.

The Finance Act 1952

SCH. 12

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

17.—(1) Section 26 shall be amended as provided by the following sub-paragraphs.

(2) In subsection (6), for the words from “section one hundred and seventy-five” to the end there shall be substituted the words “Case VIII of Schedule D”.

(3) In subsection (7)—

(a) for the words from “is chargeable” to “payable to him” there shall be substituted the words “becomes entitled to any rent under a lease comprising the tied premises and other premises”;

(b) for the words “the section in question, his liability under that section” there shall be substituted the words “Case VIII of Schedule D, his liability in respect of the rent”;

(c) for the words from “of the land” to “may be” there shall be substituted the word “thereof”.

(4) In subsection (9) for the word “(5)” there shall be substituted the word “(3)”.

(5) For subsection (10) there shall be substituted the following—

“(10) In this section ‘lease’ includes an agreement for a lease if the term to be covered by the lease has begun, and any tenancy, but does not include a mortgage or heritable security, and ‘lessor’ shall be construed accordingly, and includes the successors in title of a lessor.”

The Finance Act 1960

(8 & 9 Eliz. 2. c. 44)

18.—(1) Section 72 shall be amended as provided by the following sub-paragraphs.

(2) In subsection (2)(b), for the words from “the owner” to the end there shall be substituted the words “a person entitled to rents or receipts falling within Case VIII of Schedule D for the maintenance, repair or management of premises in respect of which those rents or receipts arise.”

(3) In subsection (3), for the words “or his maintenance claim in respect of the land or houses referred to in paragraph (b) thereof” there shall be substituted the words “or in computing his profits or gains for the purposes of Case VIII of Schedule D”.

(4) In subsection (4)(b)(ii), for the words from “on a maintenance claim” to the end there shall be substituted the words “in computing profits or gains for purposes of Case VIII of Schedule D, means expenditure on maintenance, repairs and management of the premises which under Schedule 4 to the Finance Act 1963 is deductible in computing those profits or gains”.

(5) In subsection (7), for the words “or a maintenance claim, as the case may be” there shall be substituted the words “in the case mentioned in paragraph (a) of subsection (2) of this section and by notice in writing to the surveyor in the case mentioned in

SCH. 12 paragraph (b) thereof"; for the words "land or houses" where they first occur, there shall be substituted the words "premises"; and for the words "or of the land or houses in question" there shall be substituted the words "or, as the case may be, payments made in that or a subsequent year of assessment for the maintenance, repair or management of the relevant premises have been taken into account in an assessment or claim to repayment of tax which has been finally determined".

(6) In subsection (8), after the word "claim" where first occurring, there shall be inserted the words "or in computing profits or gains for the purposes of Case VIII of Schedule D"; and for the words "the said section one hundred and seventy-six" there shall be substituted the words "Case VIII of Schedule D".

The Finance Act 1961

(9 & 10 Eliz. 2. c. 36)

19.—(1) In section 20(1) for the words from "paragraph (a)" to "under Schedule A)" there shall be substituted "section 47 of the Finance Act 1963 (accommodation occupied by holder of an office or employment)", the words from "or in which" to "such a person" shall be omitted, and for the words "owned and occupied by a charity" there shall be substituted the words "occupied otherwise than by the holder of the office".

(2) This paragraph shall have effect in relation to tax for the year 1963-64.

The Finance Act 1962

(10 & 11 Eliz. 2. c. 44)

20. In Schedule 9, in paragraph 17(3)—

(a) for the words from "under section one hundred and one" in the first place where they occur to "enactments" there shall be substituted the words "in computing his profits or gains for purposes of Case VIII of Schedule D, but where it has been taken into account in computing those profits or gains";

(b) for the words from "expenditure so incurred" to the end there shall be substituted the words "payments made by him which are deductible in computing his profits or gains for purposes of Case VIII of Schedule D".

PART II

MISCELLANEOUS AMENDMENTS

The Land Drainage Act 1930

(20 & 21 Geo. 5. c. 44)

21.—(1) Section 29 shall be amended as provided by the following sub-paragraphs.

(2) In subsection (2), for the words from "is" to "enactment" there shall be substituted the words "was not assessed for the purposes of income tax under Schedule A for the year of assessment

1962-63", and after "Schedule A" in the second place where it occurs there shall be inserted the words "for that year of assessment".

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(3) In subsection (4), for the words "of the Income Tax Act, 1918, as amended by any subsequent enactment" there shall be substituted the words "for the year of assessment 1962-63".

(4) This paragraph shall have effect in relation to drainage rates for periods beginning after the 31st March 1964.

The Tithe Act 1936

(26 Geo. 5. & 1 Edw. 8. c. 43)

22. The following section shall be inserted after section 14—

"Reduction of annuities charged on agricultural land.

14A.—(1) Section 14 of this Act shall not apply as respects an instalment of an annuity payable after the 1st October 1963, but where, as respects an instalment of an annuity payable on that date, a sum is remitted under that section the Commissioners of Inland Revenue shall by order make a reduction in the amount of the annuity equal to that sum.

(2) In relation to an instalment payable on the 1st October 1963, subsection (3) of the said section 14 and Schedule 4 to this Act shall have effect as if, instead of requiring an application for a certificate of annual value to be made before the 1st March in that year, those provisions required it to be made before the 1st March 1964."

The Drainage Rates Act 1958

(6 & 7 Eliz. 2. c. 37)

23.—(1) In section 1(1), for the words "is made under Schedule A" there shall be substituted the words "was made under Schedule A for the year of assessment 1962-63", and for the words from "the last" to the end there shall be substituted the words "that year".

(2) This paragraph shall have effect in relation to drainage rates for periods beginning after the 31st March 1964.

The Land Drainage Act 1961

(9 & 10 Eliz. 2. c. 48)

24.—(1) Section 7 shall be amended in accordance with the four following sub-paragraphs.

(2) In subsection (1), for the words from "the last" to "is raised" there shall be substituted the words "the year of assessment 1962-63".

(3) In subsection (2), for the words "is made under Schedule A" there shall be substituted the words "was made under Schedule A for the year of assessment 1962-63".

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(4) In subsection (4), for the words "is not" there shall be substituted the words "was not", and after the words "Schedule A" there shall be inserted the words "for the year of assessment 1962-63".

(5) In subsection (6), for the words "from time to time" there shall be substituted the words "at any time before the 6th April 1969", and after the words "Schedule A" there shall be inserted the words "for the year of assessment 1962-63".

(6) In section 14, the following subsection shall be inserted at the end—

"(7) A request by the owner of a chargeable hereditament under section 110 of the Income Tax Act 1952 having effect for the year of assessment 1963-64 shall be treated for the purposes of this section as if it continued to have effect for subsequent years of assessment, but, without prejudice to subsection (4) of this section, subsection (1) thereof shall not apply to the hereditament in respect of a drainage charge raised for any period—

(a) beginning after the owner either serves on the river board a notice in writing requiring that the said subsection (1) shall no longer so apply or ceases to be the owner of the hereditament; or

(b) following a period for which a drainage charge is not assessed in respect of the hereditament.";

and in subsection (4) of that section, paragraph (b), the word "and" preceding it, and the words "or cancellation" shall be omitted, and in subsection (6), for the words "from time to time", there shall be substituted the words "at any time before the 6th April 1965".

(7) In section 23, in subsection (4)(b), for the words from "or under" to "that Act" there shall be substituted the words "for the year of assessment 1962-63", and in subsection (6), after the words "Schedule A" there shall be inserted the words "for the year of assessment 1962-63".

(8) This paragraph shall have effect in relation to drainage rates and charges for periods beginning after the 31st March 1964.

SCHEDULE 13

REPEALS ARISING FROM CHAPTER II OF PART II OF THIS ACT

PART I

INCOME TAX REPEALS

Section 73.

Chapter	Short Title	Extent of Repeal
2 & 3 Geo. 6. c. 75.	The Compensation (Defence) Act 1939.	In section 2(2), the words from "and in particular" to "from rent"

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Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 6. & 1 Eliz. 2. c. 10.	The Income Tax Act 1952.	<p>In section 1, the words " Schedule A—Section eighty-two".</p> <p>In section 6(1), the word "A".</p> <p>Section 24.</p> <p>In section 25(2), the words " Schedule A".</p> <p>Section 33.</p> <p>In section 41(1), the words " Schedule A".</p> <p>Section 51(2).</p> <p>In section 51(3), the words from " Subject " to " revaluation ", and in the proviso, the words " Schedule A or ".</p> <p>In section 52(4), the words " Schedule A or ".</p> <p>Sections 53, 72(2)(a) and 73(2).</p> <p>In section 73(3), the words from " and if " to the end.</p> <p>Sections 74(7) and 80 to 82.</p> <p>In section 83, paragraphs 3 to 6 of Schedule B.</p> <p>Sections 84 to 89 and 91 to 114.</p> <p>In section 115, subsections (2) to (4).</p> <p>Section 116.</p> <p>In section 122, in paragraph 1(b) of Schedule D, the words " Schedule A".</p> <p>In section 123(1), in Case VI, the words " Schedule A".</p> <p>In section 125(1), the words from " who " to " are".</p> <p>In section 125(2), the words from " delivered " to " letter ".</p> <p>Sections 125(5) and 136.</p> <p>In section 137(c) the words " or annual value " and the words " of the annual value or ".</p> <p>Sections 153(2) and 162(3).</p> <p>In section 162(4), the words from " and the asset " to " Schedule A ".</p> <p>Sections 162(5), 171(2) and 172 to 179.</p> <p>In section 180(1), the words from " the property " to " under Schedule A".</p> <p>In section 180(3), in the definition of " rent ", the words from " but does not " to the end.</p> <p>Sections 182 and 183.</p> <p>Section 204 (2) .</p> <p>In section 206(3), the words from " proviso (b) " to " and of ".</p>

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Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 6. & 1 Eliz. 2. c. 10— <i>cont.</i>	The Income Tax Act 1952— <i>cont.</i>	<p>In section 222, the words from "the income arising from the ownership" to "Schedule A and"; and the words from "and where" to "those lands, tenements, hereditaments or heritages".</p> <p>In section 262(5), the words "'maintenance' has the same meaning as in the said section one hundred and one, and" and the words from "(including any allowance" to the end.</p> <p>In section 262(8), the words "Schedule A or".</p> <p>Section 270(6)(b).</p> <p>In section 313, in the proviso, in paragraph (ii) the words from "the annual" to "collection"; paragraph (iii) and the word "and" preceding it.</p> <p>In section 314(1), the words from "(not being" to "this Act)."</p> <p>Section 314(6).</p> <p>In section 315, in the definitions of "agricultural income" and "forestry income", the words from "and income" to the end; the definition of "unit of assessment".</p> <p>Section 365(3).</p> <p>In section 440(1), the word "A".</p> <p>In section 441(1), the proviso.</p> <p>Section 445(1)(b).</p> <p>In section 447(1)(a), the words from "under Schedule A" to "Act".</p> <p>Section 447(2).</p> <p>In section 448, subsections (1) (a) and (2).</p> <p>Section 453.</p> <p>In section 469(6), the proviso.</p> <p>Sections 474 and 475.</p> <p>In section 476(2), paragraph (b) and the word "or" preceding it.</p> <p>Section 477(2)(b).</p> <p>Section 478.</p> <p>In section 479(1), the words from "and where" to the end.</p> <p>Section 509.</p> <p>Schedules 3, 5 and 7.</p>

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Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 6. & 1 Eliz. 2. c. 10— <i>cont.</i>	The Income Tax Act 1952— <i>cont.</i>	<p>In Schedule 18, in Part III, in paragraph 2(3), the words “under Schedule A in respect of the property therein or” and in the proviso, the words from the beginning of paragraph (a) to “chargeable under Schedule B”; paragraph 2(4).</p> <p>In Schedule 23, in Part I, paragraph 1(b); in Part II, paragraphs 1 to 3; in paragraph 4(1), the words from “For the purpose” to “A and B”; paragraphs 6 to 11.</p>
15 & 16 Geo. 6. & 1 Eliz. 2. c. 33.	The Finance Act 1952.	<p>In section 18(6), paragraph (a) and the word “or” following it.</p> <p>In section 26, the word “untaxed” wherever it occurs; in subsection (1)(b), the words “subject to the foregoing paragraph” and “rent or”; subsections (4) and (5); in subsection (8), paragraph (a) and the word “and” following it.</p>
1 & 2 Eliz. 2. c. 34.	The Finance Act 1953.	Section 18(2).
2 & 3 Eliz. 2. c. 32.	The Atomic Energy Authority Act 1954.	<p>In section 6(2), paragraph (a); in paragraph (c), the words from “under Schedule A” to “1952”; and the words from “Provided that” to “therein”.</p>
2 & 3 Eliz. 2. c. 44.	The Finance Act 1954.	<p>In section 16(5), paragraph (a) and the word “and” following it; in paragraph (b), the words “(or would fall to be made but for that exclusion)”.</p>
5 & 6 Eliz. 2. c. 49.	The Finance Act 1957.	Sections 18 and 19.
6 & 7 Eliz. 2. c. 56.	The Finance Act 1958.	<p>Section 17.</p> <p>In Schedule 6, in paragraph 1, the words from “or one year” to “Table” and the words “in subsection (2) of section one hundred and seven, and”; in Table I, in column 1, the words “107(4)”, and column 2; in Table III, in column 1, the words from “Schedule 5” to “1 and 2”.</p>

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Chapter	Short Title	Extent of Repeal
7 & 8 Eliz. 2. c. 49.	The Chevening Estate Act 1959.	In section 2, in subsection (1), in paragraph (a) the words "Schedule A or", and in paragraph (b), the words from "under Schedule A" to "1952"; subsections (3) and (4).
8 & 9 Eliz. 2. c. 44.	The Finance Act 1960.	Section 39(3). In section 72, in subsection (3), in proviso (a), the words "or maintenance claim", and proviso (b); subsection (5); in subsection (7), the words "or maintenance"; in subsection (8), the words "or maintenance", and the words "maintenance claim" where last occurring; and in subsection (11), the definition of "maintenance claim".
9 & 10 Eliz. 2. c. 36.	The Finance Act 1961.	In section 20(1), the words from "or in which" to "such a person", and the words from "but—" to the end.

The above repeals shall have effect only as respects tax for the year 1964-65 and subsequent years, except that the repeal of section 136 of the Act of 1952, the repeals in sections 153 and 162 of and Schedule 18 to the Act of 1952, the first repeal of words in section 20(1) of the Finance Act 1961, and the repeal of any enactment in so far as the enactment relates to Schedule B, other than the repeal of paragraph 6 of Schedule B, shall also have effect as respects tax for the year 1963-64.

PART II
PROFITS TAX REPEALS

Chapter	Short Title	Extent of Repeal
1 Edw. 8 & 1 Geo. 6. c. 54.	The Finance Act 1937.	In Schedule 4, in paragraph 4, the words from "and under which the annual value" to "such annual value".
10 & 11 Geo. 6. c. 35.	The Finance Act 1947.	In Schedule 8, in Part III, paragraph 3.
5 & 6 Eliz. 2. c. 49.	The Finance Act 1957.	In Schedule 7, paragraph 2.

The first of the above repeals shall have effect in relation to chargeable accounting periods ending after the end of the year 1962-63, the second shall have effect as respects expenditure incurred after the 5th April 1963, and the third shall have effect in relation to chargeable accounting periods ending after the end of the year 1963-64.

PART III
ESTATE DUTY REPEALS

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Chapter	Short Title	Extent of Repeal
57 & 58 Vict. c. 30.	The Finance Act 1894.	In section 7(5), the proviso so far as unrepealed.
10 Edw. 7. & 1 Geo. 5. c. 8.	The Finance (1909-10) Act 1910.	Sections 60(1) and 61(1).
3 & 4 Geo. 6. c. 29.	The Finance Act 1940.	In Schedule 7, in paragraph 1(7), the words from "and that value" to the end.
10 & 11 Eliz. 2. c. 44.	The Finance Act 1962.	Section 28(4)(c).

The above repeals shall have effect in relation to deaths occurring after the 5th April 1963.

PART IV
OTHER REPEALS

<i>Act</i>	<i>Extent of Repeal</i>	<i>Operation</i>
The Lands Valuation (Scotland) Act 1854 (c. 91).	Section 2.	From the passing of this Act.
The Salmon and Freshwater Fisheries Act 1923 (c. 16).	In Schedule 1, in Part II, in paragraph (4), the words "income tax or".	From the passing of this Act.
The Landlord and Tenant Act 1927 (c. 36).	In section 16, the words "taxes (otherwise than by deduction from rent) or", and in paragraph (a) the words "taxes or".	From the passing of this Act, except as respects taxes charged for periods ending on or before the 5th April 1964.
The Local Government Act 1929 (c. 17).	In section 79, in subsection (1), the words from "or, if" to the end, and subsection (2); section 81; in section 134, the definitions of "Gross annual value for income tax purposes" and "Net annual value for income tax purposes".	From the passing of this Act.
The Land Drainage Act 1930 (c. 44).	In section 29(4), the words "from time to time" and "for the time being".	As respects drainage rates for periods beginning after the 31st March 1964.
The Local Government Act 1933 (c. 51).	Section 297; in section 305, in the definition of "Net annual value", the words from "either" to "the said Schedule A".	From the passing of this Act.
The Tithe Act 1936 (c. 43).	Section 14; Schedule 4.	As respects instalments of annuities payable after the 1st October 1963.

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<i>Act</i>	<i>Extent of Repeal</i>	<i>Operation</i>
The Agriculture Act 1947 (c. 48).	In section 78(1)(a) the words from "and the assessment" to the end.	From the passing of this Act.
The Local Government Act 1948 (c. 26).	Section 59(1).	From the passing of this Act.
The Representation of the People Act 1949 (c. 68).	Section 5(3)(b).	From the passing of this Act.
The Tithe Act 1951 (c. 62).	In section 3(1), the words from "and to" to "thereof"; section 9.	As respects instalments of annuities payable after the 1st October 1963.
The Drainage Rates Act 1958 (c. 37).	In section 1, in subsection (2)(a) and in subsection (5), the words from "or under" to "that Act".	As respects drainage rates for periods beginning after the 31st March 1964.
The Finance Act 1958 (c. 56).	Section 38(2)(b).	As respects instalments of annuities payable after the 1st October 1963.
The Land Drainage Act 1961 (c. 48).	In section 7(6), the words "for the time being"; in section 14(4), paragraph (b), the word "and" preceding it, and the words "or cancellation"; in section 23(4)(b), the words "last" and "before the said date".	As respects drainage rates or charges for periods beginning after the 31st March, 1964.
The Drainage Rates Act 1963 (c. 10).	In section 1, in subsection (3), paragraph (b) and the word "and" preceding it, and subsection (4).	As respects drainage rates for periods beginning after the 31st March 1964.

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SCHEDULE 14

GENERAL REPEALS

PART I

CUSTOMS AND EXCISE REPEALS

<i>Act</i>	<i>Extent of Repeal</i>	<i>Operation</i>
The Finance Act 1951 (c. 43).	In section 4(1), paragraph (a) and in paragraph (b) the words "in containers in which there are more than 30 matches".	From the 1st September 1963.
The Customs and Excise Act 1952 (c. 44).	In section 134(3) the words from the beginning of the proviso to the end of the subsection. Sections 187 to 189.	From the passing of this Act.
	In section 307(1), in the definition of "brewer", the words "and 'private brewer'", the word "respectively" and the words "and a person holding such a licence as a private brewer".	From the 4th April 1963. From the passing of this Act.

<i>Act</i>	<i>Extent of Repeal</i>	<i>Operation</i>	
	In section 307(1), in the definition of "tobacco dealer" and "tobacco manufacturer" the words "tobacco dealer" and", the words "under section one hundred and eighty-seven and" and the word "respectively".	From the 4th April 1963.	SCH. 14
	Schedule 2, Part II.	From the passing of this Act.	
The Finance Act 1957 (c. 49).	Section 2.	From the 1st October 1963, but subject to the saving set out below.	
The Finance Act 1960 (c. 44).	Section 6.	From the 4th April 1963.	
	In section 9(4), and in paragraph 3 of Part II of Schedule 2, the word "heavy".	From the passing of this Act.	
The Finance Act 1962 (c. 44).	Section 1(3).	From the passing of this Act.	
	In section 2(1)(b), the words from "at" where it first occurs to "matches, and", and the words "in containers in which there are more than 30 matches".	From the 1st September 1963.	
The Finance Act 1963 (c. 25).	In Schedule 1, the first entry in column 3 and the first entry in column 4.	From the 1st September 1963.	

1. The repeal of section 2 of the Finance Act 1957 shall not affect the operation of subsection (1) of that section, so far as it invalidates licences issued before the 1st October 1963, or the operation of subsections (6) to (8) of that section, so far as they relate to the repayment of duty on licences so issued.

2. Section 38(2) of the Interpretation Act 1889 shall apply to the above repeal of enactments contained in this Act as if they had been repealed by another Act.

PART II INCOME TAX REPEALS

Chapter	Short Title	Extent of Repeal
3 & 4 Eliz. 2. c. 15.	The Finance Act 1955.	Section 2(3).
4 & 5 Eliz. 2. c. 54.	The Finance Act 1956.	In section 40(1), in the proviso, the word "or".
5 & 6 Eliz. 2. c. 49.	The Finance Act 1957.	Section 12(4).
6 & 7 Eliz. 2. c. 56.	The Finance Act 1958.	In section 23(1), the proviso. Section 14(2).
7 & 8 Eliz. 2. c. 58.	The Finance Act 1959.	Section 27.
9 & 10 Eliz. 2. c. 36.	The Finance Act 1961.	Section 16. In section 23, subsections (2) to (6). In section 26, subsections (2) and (3).

The above repeals shall have effect as respects tax for the year 1963-64 and subsequent years of assessment.

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PART III
REPEAL RELATING TO ESTATE DUTY

Chapter	Short Title	Extent of Repeal
10 & 11 Eliz. 2. c. 44.	The Finance Act 1962.	Section 27(1).

The above repeal shall have effect as respects deaths occurring on or after the 4th April 1963.

PART IV
STAMP DUTY REPEALS

Chapter	Short Title	Extent of Repeal
23 & 24 Vict. c. 5.	The Indian Securities Act 1860.	Section 2.
33 & 34 Vict. c. 71.	The National Debt Act 1870.	Section 71.
40 & 41 Vict. c. 59.	The Colonial Stock Act 1877.	Section 8.
54 & 55 Vict. c. 39.	The Stamp Act 1891.	Section 76. In section 77, subsections (3) and (4). Section 78. Section 84. Section 107. Section 108. In section 109, subsection (2). In Schedule 1, the heading "Conveyance or Transfer whether on sale or otherwise"; in the heading "Conveyance or Transfer on sale" and in the heading "Conveyance or Transfer by way of security", the words "(except such stock as aforesaid)", in the heading "Lease or Tack" paragraph (1), in the heading "Marketable Security" paragraph (1)(a) and (c) and paragraphs (3) and (4), and the heading "Share Warrant and Stock Certificate to Bearer".
58 & 59 Vict. c. 16.	The Finance Act 1895.	Section 14.
62 & 63 Vict. c. 9.	The Finance Act 1899.	Section 4. In section 5, subsection (1) and in subsection (2) the words down to "that section; and", and the words "under this section". Section 6.

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Chapter	Short Title	Extent of Repeal
10 Edw. 7 & 1 Geo. 5. c. 8.	The Finance (1909-10) Act 1910.	Section 75. Section 76.
1 & 2 Geo. 5. c. 48.	The Finance Act 1911.	Section 13.
10 & 11 Geo. 5. c. 18.	The Finance Act 1920.	Section 38.
26 Geo. 5 & 1 Edw. 8. c. 34.	The Finance Act 1936.	Section 28.
2 & 3 Geo. 6. c. 41.	The Finance Act 1939.	In section 37, subsection (5) and in subsection (6) the defini- tions of "stock" and "guar- anteed stock". Section 44.
7 & 8 Geo. 6. c. 23.	The Finance Act 1944.	Section 55.
9 & 10 Geo. 6. c. 23.	The Finance Act 1946.	In section 57, in the definition of "certificate to bearer" the words from "or the delivery of which" to the end.
10 & 11 Geo. 6. c. 35.	The Finance Act 1947.	In section 52, subsections (1) and (2) except so far as they relate to the duty chargeable under sections 77 and 79 of the Finance (1909-10) Act 1910. Section 53 except subsection (4). Section 54(1) and (2). Section 55. Section 37. Section 38.
14 Geo. 6. c. 15.	The Finance Act 1950.	Section 31(2).
1 & 2 Eliz. 2. c. 34.	The Finance Act 1953.	Section 34 except subsections (4) and (8). Section 31.
6 & 7 Eliz. 2. c. 56.	The Finance Act 1958.	Section 34 (2).
7 & 8 Eliz. 2. c. 58.	The Finance Act 1959.	
9 & 10 Eliz. 2. c. 36.	The Finance Act 1961.	

The above repeals shall come into force on 1st August 1963.

PART V
LAND TAX REDEMPTION REPEALS

Chapter	Short Title	Extent of Repeal
42 Geo. 3. c. 116.	The Land Tax Redemp- tion Act 1802.	From the beginning of the Act to section 77. Section 78 from the beginning of the section to the words "forthwith extinguished".

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Chapter	Short Title	Extent of Repeal
42 Geo. 3. c. 116— <i>cont.</i>	The Land Tax Redemption Act 1802— <i>cont.</i>	Section 79 from the beginning of the section to the words "forthwith extinguished". Sections 80 and 81. Section 82 from the beginning of the section to the words "borne in future". Sections 83 and 84. In section 114 the proviso. Sections 131 to 139. Sections 143 to 149. In section 155 the words from the beginning of the section to "purchased as aforesaid" and the words from "and the rest of such manors" to the end of the section. Section 164 onwards to the end of the Act.
45 Geo. 3. c. 77.	The Land Tax Redemption Act 1805.	The whole Act.
50 Geo. 3. c. 58.	The Land Tax Redemption Act 1810.	Section 2 from the beginning of the section to the words "forthwith extinguished".
53 Geo. 3. c. 123.	The Land Tax Redemption Act 1813.	Sections 1 to 12. Section 13 except as respects money arising from compulsory redemption under section 39 of the Finance Act 1949. Sections 14 to 22. Section 26 from the beginning of the section to the words "with any other living" in the second place where they occur. Section 27. Section 28 from the beginning of the section to the words "forthwith extinguished". Section 29 onwards to the end of the Act.
54 Geo. 3. c. 173.	The Land Tax Redemption Act 1814.	The whole Act.
57 Geo. 3. c. 100.	The Land Tax Redemption Act 1817.	The whole Act except sections 20 and 21.
5 Geo. 4. c. 78.	The Duchy of Cornwall Act 1824.	The whole Act.
1 & 2 Vict. c. 58.	The Land Tax Redemption Act 1838.	The whole Act.
8 & 9 Vict. c. 118.	The Inclosure Act 1845.	In section 138 the words "the land tax or of".
16 & 17 Vict. c. 90.	The Land Tax Redemption (Investment) Act 1853.	The whole Act except as respects money arising from compulsory redemption under section 39 of the Finance Act 1949.

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Chapter	Short Title	Extent of Repeal
16 & 17 Vict. c. 117. 59 & 60 Vict. c. 28.	The Land Tax Redem- ption (No. 2) Act 1853. The Finance Act 1896.	The whole Act. Part VI except sections 33 and 36. Section 33 except paragraph (a). In section 36, paragraph (1). In section 39 the words from " Part Six " to the end of the section. Section 41.
12, 13 & 14 Geo. 6. c. 47.	The Finance Act 1949.	Section 41.

The above repeals shall come into force on the passing of this Act.

PART VI
OTHER LAND TAX REPEALS

Chapter	Short Title	Extent of Repeal
38 Geo. 3. c. 5.	The Land Tax Act 1797.	The whole Act except sections 30 and 31.
38 Geo. 3. c. 48.	The Land Tax Commis- sioners Act 1798.	The whole Act.
7 & 8 Geo. 4. c. 17.	The Distress (Costs) Act 1827.	The words " land tax ".
7 & 8 Geo. 4. c. 75.	The Land Tax Commis- sioners Act 1827.	The whole Act.
9 Geo. 4. c. 38.	The Land Tax Commis- sioners Act 1828.	The whole Act.
3 & 4 Will. 4. c. 13.	The Public Revenue (Scotland) Act 1833.	In section 1 the words " land tax or " . Section 4. In section 8 the words " and land tax " .
8 & 9 Vict. c. 18.	The Lands Clauses Con- solidation Act 1845.	In section 69 the words " the purchase or redemption of the land tax or " .
8 & 9 Vict. c. 19.	The Lands Clauses Con- solidation (Scotland) Act 1845.	In section 67 the words " the purchase or redemption of the land tax or " .
20 & 21 Vict. c. 58.	The Lands Valuation (Scotland) Act 1857.	In section 3 the words " or the land tax " .
23 & 24 Vict. c. 112.	The Defence Act 1860.	In section 33 the words " land tax " .
43 & 44 Vict. c. 19.	The Taxes Management Act 1880.	The whole Act.
46 & 47 Vict. c. 55.	The Revenue Act 1883.	Sections 12 and 13.
47 & 48 Vict. c. 62.	The Revenue Act 1884.	Section 7.
51 & 52 Vict. c. 20.	The Glebe Lands Act 1888.	In section 4(2)(b) the words " land tax " .

O

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Chapter	Short Title	Extent of Repeal
52 & 53 Vict. c. 42.	The Revenue Act 1889.	Section 14.
52 & 53 Vict. c. 50.	The Local Government (Scotland) Act 1889.	Section 102.
55 & 56 Vict. c. 25.	The Taxes (Regulation of Remuneration) Amend- ment Act 1892.	The whole Act.
61 & 62 Vict. c. 10.	The Finance Act 1898.	Part IV.
6 Edw. 7. c. 52.	The Land Tax Commis- sioners Act 1906.	The whole Act.
10 & 11 Geo. 5. c. 18.	The Finance Act 1920.	Section 63.
11 & 12 Geo. 5. c. 32.	The Finance Act 1921.	Section 64.
15 & 16 Geo. 5. c. 18.	The Settled Land Act 1925.	In section 73(1)(ii) the word "land-tax".
15 & 16 Geo. 5. c. 20.	The Law of Property Act 1925.	In section 1(2)(d) the word "Land tax".
15 & 16 Geo. 5. c. 21.	The Land Registration Act 1925.	In section 70(1)(e) the word "Land tax".
15 & 16 Geo. 5. c. 24.	The Universities and Col- lege Estates Act 1925.	In section 26(1)(ii) the word "land-tax".
15 & 16 Geo. 5. c. 87.	The Tithe Act 1925.	Section 8(2). In section 10(4) the word "land tax or other".
17 & 18 Geo. 5. c. 10.	The Finance Act 1927.	Section 54.
18 & 19 Geo. 5. c. 17.	The Finance Act 1928.	Section 33.
21 & 22 Geo. 5. c. 28.	The Finance Act 1931.	Section 37.
23 & 24 Geo. 5. c. 41.	The Administration of Justice (Scotland) Act 1933.	In section 7 the words "the Taxes Management Act 1880".
1 & 2 Geo. 6. c. 46.	The Finance Act 1938.	Section 52.
2 & 3 Geo. 6. c. 75.	The Compensation (Defence) Act 1939.	In section 2(2) the words "and the enactments relating to land tax".
5 & 6 Geo. 6. c. 21.	The Finance Act 1942.	Section 42. Schedule 10 Part II.
9 & 10 Geo. 6. c. 13.	The Finance (No. 2) Act 1945.	Section 60(1). Schedule 9.
12, 13 & 14 Geo. 6. c. 47.	The Finance Act 1949.	Sections 37 and 38. Section 42(1), (2), (3), (5). Section 43 but not so as to affect regulations made under that section before the passing of this Act. Section 44(2)(a) including the word "and". Section 45(3).
14 & 15 Geo. 6. c. 39.	The Common Informers Act 1951.	In the Schedule the entries relating to the Land Tax Commissioners Act 1798.

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Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 6. & 1 Eliz. 2. c. 10.	The Income Tax Act 1952.	In section 461, in subsection (1) and in subsection (2), the words "and land tax".
10 & 11 Eliz. 2. c. 44.	The Finance Act 1962.	Section 27(2).

The above repeals shall come into force on 1st October 1963, and shall not affect the operation of any enactment in relation to land tax chargeable for the year from 25th March 1962 to 24th March 1963 or for any earlier period, or in relation to the collection or recovery of any such tax.

PART VII

IRISH LAND PURCHASE REPEALS

Chapter	Short Title	Extent of Repeal
54 & 55 Vict. c. 48.	The Purchase of Land (Ireland) Act 1891.	Sections 1, 2 and 4.
55 & 56 Vict. c. 48.	The Bank Act 1892.	In section 4(6), the words "and Guaranteed Land stock", the word "two", the words "in the case of the Local Loans stock" and the words from "and in the case" to the end of the section.
10 & 11 Geo. 5. c. 67.	The Government of Ireland Act 1920.	In section 26(5), in the definition of "purchase annuities" the words from "in addition" to "1891" where it first occurs.
25 & 26 Geo. 5. c. 21.	The Northern Ireland Land Purchase (Winding Up) Act 1935.	In Schedule 2, paragraph (a), the words "the Land Purchase Account".
1 & 2 Geo. 6. c. 25.	The Eire (Confirmation of Agreements) Act 1938.	In Schedule 2, paragraph 1.
5 & 6 Geo. 6. c. 21.	The Finance Act 1942.	In Schedule 11, Part I, the words "Guaranteed Land Stock".
7 & 8 Eliz. 2. c. 6.	The National Debt Act 1958.	In section 15(1), the words "Guaranteed Land Stock".

The above repeals shall come into force one month after the date fixed by the Treasury under this Act for the redemption of Guaranteed Land Stock.

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PART VIII
MISCELLANEOUS REPEALS

Chapter	Short Title	Extent of Repeal
33 & 34 Vict. c. 71.	The National Debt Act 1870.	Part V except so far as it applies to stock certificates and coupons issued thereon and outstanding on the date of repeal.
55 & 56 Vict. c. 39.	The National Debt (Stockholders Relief) Act 1892.	Section 7.
6 & 7 Geo. 5. c. 24.	The Finance Act 1916.	Section 65.
8 & 9 Eliz. 2. c. 44.	The Finance Act 1960.	Section 78.

The first three of the above repeals shall come into force on a date as may be prescribed by regulations under section 71 of this Act, and the last of those repeals shall come into force on the passing of this Act.

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

Short Title	Chapter
Indian Securities Act 1860	23 & 24 Vict. c. 5.
National Debt Act 1870	33 & 34 Vict. c. 71.
National Debt (Conversion) Act 1888... ..	51 & 52 Vict. c. 2.
Interpretation Act 1889	52 & 53 Vict. c. 63.
Stamps Act 1891	54 & 55 Vict. c. 38.
Purchase of Land (Ireland) Act 1891	54 & 55 Vict. c. 48.
Finance Act 1894	57 & 58 Vict. c. 30.
Finance Act 1899	62 & 63 Vict. c. 9.
Finance Act 1907	7 Edw. 7. c. 13.
Finance (1909-10) Act 1910	10 Edw. 7. & 1 Geo. 5. c. 8.
Government of Ireland Act 1920	10 & 11 Geo. 5. c. 67.
Finance Act 1921	11 & 12 Geo. 5. c. 32.
Trustee Act 1925	15 & 16 Geo. 5. c. 19.
Finance Act 1928	18 & 19 Geo. 5. c. 17.
Land Drainage Act 1930	20 & 21 Geo. 5. c. 44.
Local Government Act 1933	23 & 24 Geo. 5. c. 51.
Finance Act 1936	26 Geo. 5 & 1 Edw. 7. c. 8.
Tithe Act 1936	26 Geo. 5 & 1 Edw. 7. c. 43.
Finance Act 1937	1 Edw. 8 & 1 Geo. 6. c. 1.
Finance Act 1938	1 & 2 Geo. 6. c. 46.
London Government Act 1939	2 & 3 Geo. 6. c. 40.
Finance Act 1939	2 & 3 Geo. 6. c. 41.
Finance Act 1944	7 & 8 Geo. 6. c. 23.

Short Title	Chapter
Finance Act 1946	9 & 10 Geo. 6. c. 23.
New Towns Act 1946	9 & 10 Geo. 6. c. 68.
Exchange Control Act 1947	10 & 11 Geo. 6. c. 14.
Finance Act 1947	10 & 11 Geo. 6. c. 35.
War Damage (Public Utility Undertakings, &c.) Act 1949.	12, 13 & 14 Geo. 6. c. 36.
Finance Act 1949	12, 13 & 14 Geo. 6. c. 47.
Housing (Scotland) Act 1950	14 Geo. 6. c. 34.
Finance Act 1951	14 & 15 Geo. 6. c. 43.
Income Tax Act 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 10.
Finance Act 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 33.
Customs and Excise Act 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 44.
Finance Act 1953	1 & 2 Eliz. 2. c. 34.
Finance Act 1954	2 & 3 Eliz. 2. c. 44.
Finance Act 1955	3 & 4 Eliz. 2. c. 15.
Pensions (India, Pakistan and Burma) Act 1955	3 & 4 Eliz. 2. c. 22.
Finance Act 1956	4 & 5 Eliz. 2. c. 54.
Finance Act 1957	5 & 6 Eliz. 2. c. 49.
Housing Act 1957	5 & 6 Eliz. 2. c. 56.
Drainage Rates Act 1958	6 & 7 Eliz. 2. c. 37.
Finance Act 1958	6 & 7 Eliz. 2. c. 56.
National Debt Act 1958	7 & 8 Eliz. 2. c. 6.
Pensions (Increase) Act 1959	7 & 8 Eliz. 2. c. 50.
Finance Act 1959	7 & 8 Eliz. 2. c. 58.
Local Employment Act 1960	8 & 9 Eliz. 2. c. 18.
European Free Trade Association Act 1960 ...	8 & 9 Eliz. 2. c. 19.
Finance Act 1960	8 & 9 Eliz. 2. c. 44.
Charities Act 1960	8 & 9 Eliz. 2. c. 58.
Finance Act 1961	9 & 10 Eliz. c. 36.
Rating and Valuation Act 1961	9 & 10 Eliz. 2. c. 45.
Land Drainage Act 1961	9 & 10 Eliz. 2. c. 48.
Finance Act 1962	10 & 11 Eliz. 2. c. 44.
Pipe-lines Act 1962	10 & 11 Eliz. 2. c. 58.
Pensions (Increase) Act 1962	11 Eliz. 2. c. 2.
Betting, Gaming and Lotteries Act 1963 ...	1963 c. 2.

1963 CHAPTER 26

Apply a sum out of the Consolidated Fund to the service of the year ending on 31st March 1964, and to appropriate the supplies granted in this Session of Parliament.
[31st July 1963]

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
£3,787,264,400
out of the
Consolidated
Fund for the
service of the
year ending
31st March
1964.

Power for the
Treasury to
borrow.

40 & 41 Vict.
c. 2.

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom, and apply towards making good the supply granted to Her Majesty for the service of the year ending on 31st March 1964, the sum of £3,787,264,400.

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 £3,787,264,400.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than 31st March 1964, and section 6 of the Treasury Bills Act 1877 (which relates to the renewal of bills) shall not apply with respect to those bills.

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

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

APPROPRIATION OF GRANTS

Appropriation
of sums voted
for supply
services.

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 £6,350,776,530 are appropriated, and shall be deemed to have been appropriated as from the date of the passing of the Acts mentioned in the said Schedule (A), for the services and purposes expressed in Schedule (B) annexed hereto.

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

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

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

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

(2) A statement showing all cases in which the sanction of the Treasury has been given to the temporary application of a surplus under this section, and showing the circumstances under which the sanction of the Treasury has been given, shall be laid before the House of Commons with the appropriation accounts of the Navy, Army and Air Services for the year, in order that any temporary application of any surplus sanctioned by the Treasury under this section may be submitted for the sanction of Parliament.

5. Whereas under the powers given for the purpose by the Appropriation Acts 1961 and 1962 surpluses arising on certain votes for Navy, Army and Air Services have been applied towards making good deficits on those services respectively as shown in the statements set out in Schedule (C) to this Act:

Sanction for application of surpluses on certain Navy, Army and Air Votes for 1961-62.

It is enacted that the application of those surpluses as shown in the said statements is hereby sanctioned.

9 & 10 Eliz. 2. c. 59.
10 & 11 Eliz. 2. c. 45.

6. This Act may be cited as the Appropriation Act 1963.

Short title.

ABSTRACT
OF
**SCHEDULES (A) and (B) to which this
Act refers**

Section 3.

SCHEDULE (A)

Grants out of the Consolidated Fund £6,350,776,

Section 3.

SCHEDULE (B).—APPROPRIATION OF GRANTS

	Sums not exceeding			
	Supply Grants		Appropriation in Aid	
	£	s.	d.	£ s
1961-62 and 1962-63				
Part 1. Civil (Excesses), 1961-62	30	0	0	—
Part 2. Ministry of Defence (Supplementary), 1962-63 -	1,000	0	0	572,000 0
Part 3. Navy (Supplementary), 1962-63 - - - - -	11,000,000	0	0	*—2,360,000 0
Part 4. Army (Supplementary), 1962-63 - - - - -	1,000	0	0	3,280,000 0
Part 5. Air (Supplementary), 1962-63 - - - - -	13,600,000	0	0	1,350,000 0
Part 6. Civil Departments (Supplementary), 1962-63 -	150,517,000	0	0	1,124,502 0
	£ 175,119,030	0	0	3,966,502 0

* Deficit.

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

	Sums not exceeding			
	Supply Grants		Appropriations in Aid	
	£	s. d.	£	s. d.
1963-64				
Part 7. Ministry of Defence -	19,980,000	0 0	6,479,000	0 0
Part 8. Navy - - -	440,959,000	0 0	42,792,600	0 0
Part 9. Army - - -	487,431,000	0 0	66,480,000	0 0
War Office Purchasing (Repayment) Services - -	6,000,000	0 0	—	
Royal Ordnance Factories	3,600,000	0 0	31,500,000	0 0
Part 10. Air - - -	503,200,000	0 0	51,950,000	0 0
TOTAL, DEFENCE - -£	1,461,170,000	0 0	199,201,600	0 0
Part 11. Civil, Class I - -	93,038,500	0 0	4,087,000	0 0
Part 12. Civil, Class II - -	173,695,000	0 0	6,368,500	0 0
Part 13. Civil, Class III - -	148,151,000	0 0	14,640,000	0 0
Part 14. Civil, Class IV - -	721,400,000	0 0	77,840,020	0 0
Part 15. Civil, Class V - -	425,059,000	0 0	17,264,000	0 0
Part 16. Civil, Class VI - -	2,552,882,000	0 0	293,753,000	0 0
Part 17. Civil, Class VII - -	202,088,000	0 0	57,139,500	0 0
Part 18. Civil, Class VIII -	7,818,000	0 0	333,325	0 0
Part 19. Civil, Class IX - -	300,485,000	0 0	79,064,010	0 0
Part 20. Civil, Class X - -	7,328,000	0 0	8,741,500	0 0
Part 21. Civil, Class XI - -	82,543,000	0 0	3,430,300	0 0
TOTAL, CIVIL - -£	4,714,487,500	0 0	562,661,155	0 0
GRAND TOTAL - -£	6,350,776,530	0 0	765,829,257	0 0

O*

SCHEDULE (A)

GRANTS OUT OF THE CONSOLIDATED FUND

	£	s.
For the service of the year ended 31st March 1962—		
Under the Consolidated Fund (No. 2) Act 1963 	30	0
For the service of the year ended 31st March 1963—		
Under the Consolidated Fund Act 1963 ...	59,818,000	0
Under the Consolidated Fund (No. 2) Act 1963 	115,301,000	0
For the service of the year ending on 31st March 1964—		
Under the Consolidated Fund (No. 2) Act 1963 	2,388,393,100	0
Under this Act 	3,787,264,400	0
TOTAL 	£6,350,776,530	0

SCHEDULE (B).—PART 1

Civil
(Excesses),
1961-62.

CIVIL (EXCESSES), 1961-62

SUMS granted to make good excesses on certain grants for Civil Services for the year ended on 31st March 1962, viz.:—

		Sums not exceeding		
		Supply Grants		
		£	s.	d.
CLASS II				
Vote				
	2. Foreign Office Grants and Services - - -	10	0	0
	12. Department of Technical Co-operation - - -	10	0	0
CLASS IV				
	1. Ministry of Education - - - - -	10	0	0
	TOTAL, CIVIL (EXCESSES), 1961-62 - - -	£ 30	0	0

Ministry of
Defence
(Supplemen-
tary),
1962-63.

SCHEDULE (B).—PART 2

MINISTRY OF DEFENCE (SUPPLEMENTARY), 1962-63

SCHEDULE OF SUPPLEMENTARY 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 for the year ended on 31st March 1963, 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	1,000	572,000

SCHEDULE (B).—PART 3.

Navy
(Supple-
mentary),
1962-63.

NAVY (SUPPLEMENTARY), 1962-63

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 Naval Services for the year ended on 31st March 1963, viz.:—

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
Vote		
2. Victualling and Clothing for the Navy -	300,000	350,000
4. Civilians on Fleet Services - - - -	300,000	—
6. Scientific Services - - - - -	Cr. 1,100,000	100,000
8. Shipbuilding, Repairs, Maintenance, etc.		
I—Personnel - - - - -	930,000	*— 30,000
II—Material - - - - -	4,500,000	*— 3,100,000
III—Contract Work - - - - -	5,000,000	1,400,000
9. Naval Armaments - - - - -	Cr. 330,000	*— 430,000
11. Miscellaneous Effective Services - -	650,000	*— 650,000
13. Non-effective Services - - - - -	750,000	—
TOTAL, NAVY (SUPPLEMENTARY), 1962-63 £	11,000,000	*— 2,360,000

* Deficit

Army
(Supple-
mentary),
1962-63.

SCHEDULE (B).—PART 4

ARMY (SUPPLEMENTARY), 1962-63

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 31st March 1963, viz.:—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. Pay, &c., of the Army - - - - -	2,031,000	—
2. Reserve Forces, Territorial Army and Cadet Forces - - - - -	Cr. 880,000	*— 550,000
4. Civilians - - - - -	1,970,000	—
5. Movements - - - - -	2,200,000	170,000
6. Supplies, &c. - - - - -	880,000	—
7. Stores - - - - -	Cr. 6,830,000	2,500,000
8. Works, Buildings and Lands - - - - -	Cr. 20,000	1,800,000
10. Non-effective Services - - - - -	650,000	—
11. Additional Married Quarters - - - - -	—	*— 640,000
TOTAL, ARMY (SUPPLEMENTARY), 1962-63 £	1,000	3,280,000

* Deficit

SCHEDULE (B).—PART 5

Air
(Supplementary),
1962-63.

AIR (SUPPLEMENTARY), 1962-63

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 31st March 1963, viz.:—

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
Vote		
4. Civilians at Outstations and the Meteorological Office - - - - -	2,200,000	—
5. Movements - - - - -	200,000	650,000
6. Supplies - - - - -	Cr. 3,700,000	—
7. Aircraft and Stores - - - - -	17,400,000	—
8. Works and Lands - - - - -	Cr. 2,500,000	500,000
11. Additional Married Quarters - - - - -	—	200,000
TOTAL, AIR (SUPPLEMENTARY), 1962-63 - £	13,600,000	1,350,000

Civil
Departments
(Supple-
mentary),
1962-63.

SCHEDULE (B).—PART 6

CIVIL DEPARTMENTS (SUPPLEMENTARY), 1962-63

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 31st March 1963, viz.:—

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
CLASS I		
Vote		
1. For the salaries and expenses of the House of Lords - - - - -	4,000	1,500
2. For the salaries and expenses of the House of Commons, including certain grants in aid - - - - -	29,000	—
3. For the salaries and expenses of the Department of Her Majesty's Treasury and subordinate departments and of the First Secretary of State, the Lord Privy Seal, the Chancellor of the Duchy of Lancaster and the Minister without Portfolio - - - - -	175,000	7,000
6. For the salaries and expenses of the Customs and Excise Department including a subscription to an international organisation - - - - -	454,000	148,000
7. For the salaries and expenses of the Inland Revenue Department - - - - -	1,681,000	446,000
8. For the salaries and expenses of the Department of the Comptroller and Auditor General - - - - -	12,000	4,000
9. For the salaries and expenses of the Civil Service Commission - - - - -	43,000	3,380
10. For the salaries and expenses of Royal Commissions, committees, special enquiries, shorthand reporting, &c., and for a grant in aid - - - - -	25,000	—
CLASS II		
1. For the salaries and expenses of the Department of Her Majesty's Secretary of State for Foreign Affairs; for sundry services; and for certain grants in aid - - - - -	1,172,000	77,000
2. For sundry grants and services connected with Her Majesty's Foreign Service, including subscriptions to certain international organisations and certain grants in aid - - - - -	5,991,000	—

SCHEDULE (B).—PART 6—*continued*

Civil
Departments
(Supple-
mentary),
1962-63.

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
CLASS II—<i>continued</i>		
Vote		
4. For the salaries and expenses of the Department of Her Majesty's Secretary of State for Commonwealth Relations; for sundry services; and for certain grants in aid - - - - -	5,109,000	10,000
5. For sundry Commonwealth services, including subscriptions to certain international organisations and certain grants in aid - - - - -	5,286,000	—
7. For the salaries and expenses of the Department of Her Majesty's Secretary of State for the Colonies; for sundry services; and for grants in aid - - - - -	1,127,000	35,000
8. For sundry Colonial Services including subscriptions to certain international organisations and certain grants in aid	413,000	*— 12,000
10. For the salaries and expenses of the Department of the Secretary for Technical Co-operation; for sundry foreign, Commonwealth and Colonial services; for a subscription to an international organisation; for certain grants in aid; and for certain expenditure on schemes made under the Colonial Development and Welfare Act - - - - -	1,000	*— 596,000
11. For a grant in aid of the Commonwealth War Graves Commission and certain other expenses - - - - -	64,000	—
CLASS III		
1. For the salaries and expenses of the office of Her Majesty's Secretary of State for the Home Department; expenses and grants in connection with certain law, fire and sundry other services; and certain grants in aid - - - - -	776,000	294,000
2a. For the salaries and expenses of the office of the Secretary of State for Scotland and of the Scottish Home and Health Department; for a grant to the Legal Aid (Scotland) Fund; for expenses in connection with fire, probation and sundry other services; and for grants in aid - - - - -	63,000	12,000
3. For grants and expenses in connection with civil defence and certain remanet expenditure; and a grant in aid - - -	250,000	—

* Deficit

Civil
Departments
(Supple-
mentary),
1962-63.

SCHEDULE (B).—PART 6—*continued*

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
<i>CLASS III—continued</i>		
Vote	£	£
5. For grants in respect of expenditure incurred by police authorities in England and Wales, expenses in connection with the police services and a subscription to an international organisation - -	1,900,000	—
6. For grants in respect of expenditure incurred by police authorities in Scotland, and expenses in connection with the police services - - - - -	134,000	2,000
7. 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 - - - - -	135,000	145,000
8. For salaries and expenses in connection with the administration of Scottish prisons, borstal institutions, detention and remand centres - - - - -	172,000	14,000
11. 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 Judge Advocate of the Fleet, Pensions Appeal Tribunals, the Lands Tribunal, the Restrictive Practices Court and Council on Tribunals, certain other expenses and a grant in aid - - -	1,000	25,600
12. For the salaries and expenses of the County Courts - - - - -	5,000	193,000
13. For a grant to the Legal Aid Fund - -	1,050,000	—
14. For the salaries and expenses of the Law Officers' Department, the Department of Her Majesty's Procurator-General and Solicitor for the Affairs of Her Majesty's Treasury and the Department of the Director of Public Prosecutions; for the costs of prosecutions and other legal proceedings and of Parliamentary Agency - - - - -	1,000	41,000
15. For the salaries and expenses of the Lord Advocate's Department, of the Courts of Law and Justice, and of the Courts, Tribunals, &c.; and for sundry services	10,000	58,000

SCHEDULE (B).—PART 6—continued

Civil
Departments
(Supple-
mentary),
1962-63.

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
CLASS III—continued		
Vote		
16. For such of the salaries and expenses of the Supreme Court of Judicature and Court of Criminal Appeal of Northern Ireland as are not charged on the Consolidated Fund; the salaries and expenses of Pensions Appeals in Northern Ireland and certain other expenses including a grant in aid - - - -	1,000	2,000
CLASS IV		
1. For the salaries and expenses of the office of the Committee of Privy Council for Trade and subordinate departments and agencies - - - - -	306,000	14,000
2. For the expenditure of the Board of Trade on the promotion of trade, exports and industrial efficiency, and on trading and other services, including subscriptions to international organisations and grants in aid - - - - -	1,000	—
6. For the salaries and expenses of the Ministry of Labour including those relating to the Employment Exchange service and the inspection of factories; for expenses, grants and loans in connection with employment, training, rehabilitation, &c.; for expenses of the Industrial Court; for a subscription to the International Labour Organisation; for grants in aid and sundry other services - - - - -	1,000	1,056,000
7. For the salaries and expenses of the Ministry of Aviation for the administration of supply (including research, development and inspection), and of civil aviation; for contributions to two international organisations, a grant in aid, a conditional grant, and sundry other services - - - - -	13,750,000	*—2,700,000
10. For the salaries and expenses of the Ministry of Transport, the Coastguard, certain Tribunals and Committees and sundry other services including subscriptions to international organisations -	1,118,000	*— 355,000

* Deficit

Civil
Departments
(Supple-
mentary),
1962-63.

SCHEDULE (B).—PART 6—continued

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
<i>CLASS IV—continued</i>		
12. For expenditure, including grants and loans to highways, &c., authorities, on the construction and maintenance of roads, &c., in Scotland and sundry services connected therewith; and for certain other services - - - - -	1,995,000	*—19,000
13. For 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 - - - - -	342,000	85,000
14A. For the expenditure of the Ministry of Transport in grant to the British Transport Commission in respect of the Commission's deficits on revenue account - - - - -	4,400,000	—
14B. For the expenditure of the Ministry of Transport in grant to the British Railways Board and the British Waterways Board in respect of deficits on their revenue accounts - - - - -	4,000,000	—
<i>CLASS V</i>		
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 Scottish Committee - - - - -	585,000	—
2. For the salaries and expenses of the Department of Agriculture and Fisheries for Scotland; for expenditure in connection with sundry agricultural, food and transport and harbour services, including grants and grants in aid - - - - -	1,000	—
3. For expenditure by the Ministry of Agriculture, Fisheries and Food on grants and subsidies for the encouragement of food production and the improvement of agriculture and for sundry other services - - - - -	6,705,000	—
7. For expenditure by the Ministry of Agriculture, Fisheries and Food in connection with sundry agricultural and food services including grants, grants in aid and certain subscriptions to international organisations - - - - -	6,418,000	*—390,000

* Deficit

SCHEDULE (B).—PART 6—continued

Civil
Departments
(Supple-
mentary),
1962-63.

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
CLASS V—continued		
9. For grants, loans and expenses in connection with assistance to fishermen; grants and loans to the White Fish Authority; expenditure on research and development relating to fisheries and fish marketing and on the construction, improvement and maintenance of harbours and fishing facilities; subscriptions to certain international organisations and a grant in aid of the White Fish Marketing Fund - - -	1,000	272
11. For a grant in aid of the Forestry Fund - - -	535,000	—
CLASS VI		
1. For the salaries and expenses of the offices of the Minister of Housing and Local Government and Minister for Welsh Affairs and of the Minister of State for Welsh Affairs; grants and expenses in connection with water supply, sewerage, coast protection, flood emergency, storm damage relief, abating the pollution of the air, planning and redevelopment, new towns, national parks and sundry other services and grants in aid - - - - -	959,000	—
4. For general grants to local authorities in England and Wales - - - - -	4,660,000	—
5. For general grants to local authorities in Scotland - - - - -	353,000	—
8. For the salaries and expenses of the Ministry of Education; for grants and grants in aid in connection with education, &c., for sundry services; and for subscriptions to certain international organisations - - - - -	13,178,000	—
9. For the salaries and expenses of the Scottish Education Department; for grants in connection with education, &c.; and for sundry services - - -	248,000	—
12. For the salaries and expenses of the Ministry of Health; for the expenses of certain committees, &c.; and for sundry services - - - - -	230,000	215,000
14. For the provision of hospitals, &c., services under the national health services in England and Wales - - - - -	21,485,000	*—2,928,000

* Deficit

Civil
Departments
(Supple-
mentary),
1962-63.

SCHEDULE (B).—PART 6—*continued*

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
<i>CLASS VI—continued</i>		
Vote		
16. For the provision of certain miscellaneous services under the national health services, in England and Wales, including a subscription to the World Health Organisation and certain grants in aid -	1,026,000	235,000
17. For expenditure by the Ministry of Health on pensions, allowances, gratuities, &c., payable under Section 6 (6) of the National Health Service Act 1946, or under Regulations made under Section 67 of that Act; and certain payments to the National Insurance Fund - -	1,000	789,000
18. For the provision of national health services in Scotland and other health and welfare services - - - - -	3,054,000	*—421,000
19. For expenditure by the Scottish Home and Health Department on pensions, allowances and gratuities, &c., payable under Section 6 (8) of the National Health Service (Scotland) Act 1947, or under Regulations under Section 66 of that Act; and certain payments to the National Insurance Fund - - -	1,000	70,000
20. For the salaries and expenses of the Ministry of Pensions and National Insurance, including appellate, advisory and sundry other services and a subscription to an international organisation	286,000	2,607,000
22. For payments in respect of family allowances - - - - -	250,000	—
23. For the salaries and expenses of the Department of the National Assistance Board and of certain Appeal Tribunals; assistance grants, &c.; non-contributory old age pensions, including pensions to blind persons; and sundry other services	26,207,000	420,000
<i>CLASS VII</i>		
1. For grants in aid and a grant towards the expenses of, and for loans to, universities, colleges, &c., and for certain post-graduate studentships - - - - -	5,880,000	—
3. For payments towards meeting the expenses of the United Kingdom Atomic Energy Authority, for subscriptions to international organisations and for a grant in aid - - - - -	1,000	—

* Deficit

SCHEDULE (B).—PART 6—*continued*

Civil
Departments
(Supple-
mentary),
1962-63.

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
CLASS VII—<i>continued</i>		
<i>Vote</i>		
5. For a grant in aid of the Medical Research Council - - - - -	42,000	—
6. For a grant in aid of the Agricultural Research Council - - - - -	13,000	—
7. For a grant in aid of the Nature Conservancy - - - - -	61,000	—
CLASS VIII		
1. For the salaries and expenses of the British Museum, including a purchase grant in aid - - - - -	1,000	1,000
3. For the salaries and expenses of the Science Museum, including a purchase grant in aid - - - - -	1,000	1,000
4. For the salaries and expenses of the Victoria and Albert Museum, including grants in aid - - - - -	22,000	—
6. For the salaries and expenses of the London Museum, including a purchase grant in aid - - - - -	2,000	600
7. For the salaries and expenses of the National Gallery, including a purchase grant in aid - - - - -	12,000	—
8. For the salaries and expenses of the National Maritime Museum, including a purchase grant in aid - - - - -	37,000	—
9. For the salaries and expenses of the National Portrait Gallery, including purchase grants in aid - - - - -	1,000	600
10. For the salaries and expenses of the Tate Gallery, including a purchase grant in aid - - - - -	20,000	300
11. For the salaries and expenses of the Wallace Collection - - - - -	1,000	1,000
13. For the salaries and expenses of the National Gallery of Scotland, the Scottish National Gallery of Modern Art and the Scottish National Portrait Gallery, including purchase grants in aid - - - - -	2,000	400
16. For grants in aid of certain institutions and bodies connected with the arts - - -	355,000	—

Civil
Departments
(Supple-
mentary),
1962-63.

SCHEDULE (B).—PART 6—*continued*

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
CLASS IX		
Vote		
1. For the salaries and expenses of the Ministry of Public Building and Works	1,000	400,000
2. For expenditure on public buildings in the United Kingdom, including a purchase grant in aid, and sundry other services -	2,650,000	*—260,000
3. For expenditure on public buildings overseas - - - - -	400,000	—
4. For expenditure on Houses of Parliament buildings - - - - -	24,000	—
5. For expenditure on the Royal Palaces, including a grant in aid - - - - -	12,000	8,000
6. For expenditure on Royal Parks and pleasure gardens - - - - -	35,000	—
8. For the salaries and expenses of the Rating of Government Property Department, and for rates and contributions in lieu of rates for property occupied by the Crown and premises occupied by representatives of foreign and Commonwealth countries - - - - -	480,000	370,000
13. For civil superannuation and other pensions and non-recurrent payments; and for certain other expenditure in connection therewith - - - - -	1,135,000	60,000
14. For non-effective annual allowances, gratuities and certain expenses in connection with superannuation in respect of Post Office employment - - - - -	1,000	889,000
CLASS X		
1. For the salaries and expenses of the Charity Commission for England and Wales -	11,000	150
2. For the salaries and expenses of the Crown Estate Office - - - - -	2,000	—
5. For the salaries and expenses of the National Debt Office and Pensions Commutation Board - - - - -	1,000	8,000
7. For the salaries and expenses of the office of the Public Trustee - - - - -	1,000	3,000
11. For the survey of Great Britain and other mapping services - - - - -	94,000	47,000
12. For the salaries and expenses of the Public Record Office - - - - -	1,000	2,200
13. For the salaries and expenses of the Scottish Record Office - - - - -	4,000	*—1,500
16. For the salaries and expenses of the Department of the Registers of Scotland	1,000	5,000
* Deficit		

SCHEDULE (B).—PART 6—continued

Civil
Departments
(Supple-
mentary),
1962-63.

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
CLASS XI		
Vote		
1. For grants to, and grants in aid of, the British Broadcasting Corporation and for payments to the Postmaster General	636,000	—
4. For pensions and allowances to certain members of the former Indian and Burma Services and their dependants and to certain judges, including payments for the commutation of pensions; for certain payments to the Governments of India and Pakistan connected with pensions; and for sundry expenses -	266,000	—
5. For pensions and compensation allowances awarded to retired and disbanded members of the Royal Irish Constabulary and to their widows, including annuities to the National Debt Commissioners in respect of commutation of compensation allowances - - - - -	9,000	—
11. For the payment of supplements to certain Colonial and other overseas pensions -	122,000	—
TOTAL, CIVIL DEPARTMENTS (SUPPLEMENTARY), 1962-63 - - - -£	150,517,000	1,124,502

Ministry of
Defence,
1963-64.

SCHEDULE (B).—PART 7

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 31st March 1964, 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 - - - - -	19,980,000	6,479,000

SCHEDULE (B).—PART 8

Navy,
1963-64.

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 31st March 1964, 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 - - - -	75,581,000	1,612,000
2. For the Royal Naval Reserve, the Royal Fleet Reserve and Cadet Forces, &c. -	1,292,000	500
3. For the Admiralty Office - - - -	10,519,000	41,000
4. For scientific services, including a grant in aid to the National Institute of Oceanography, and a subscription to the International Hydrographic Bureau -	25,895,000	1,809,600
5. For medical services, education and civilians on Fleet Services - - - -	13,139,000	277,000
6. For naval stores, armament, victualling and other material supply services - -	138,485,000	22,676,000
7. For new construction, repair, &c., of Her Majesty's Ships, Aircraft and Weapons	139,657,000	8,266,000
8. For lands, buildings and machinery - -	3,093,000	2,790,000
9. For various miscellaneous effective services	11,610,000	3,358,500
10. For non-effective services - - - -	21,687,000	62,000
11. For certain additional married quarters -	1,000	1,900,000
TOTAL, NAVY SERVICES - - - -	£ 440,959,000	42,792,600

Army,
1963-64.

SCHEDULE (B).—PART 9

ARMY

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charge of the Army Services herein particularly mentioned, which will come in course of payment during the year ending on 31st March 1964, including provision for Land Forces to a number not exceeding 241,000, 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 - - -	145,200,000	9,300,000
2. For the Reserve Forces (to a number not exceeding 187,000 all ranks, including a number not exceeding 180,000 other ranks), Territorial Army (to a number not exceeding 245,000 all ranks), Cadet Forces and Malta Territorial Force -	20,710,000	1,250,000
3. For the salaries, wages, &c., of civilian staff of the War Office - - -	6,600,000	70,000
4. For salaries, wages, &c., of civilians at outstations - - - - -	111,020,000	1,500,000
5. For movements - - - - -	27,480,000	1,480,000
6. For supplies - - - - -	41,520,000	8,010,000
7. For stores and equipment (including stores and equipment for research, design and development projects and inspection; disposal of stores; and certain capital and ancillary services) - - -	87,300,000	24,500,000
8. For lands, buildings and works - - -	6,990,000	5,580,000
9. For miscellaneous effective services, including grants in aid - - - - -	5,760,000	10,340,000
10. For non-effective services, including a grant in aid - - - - -	34,850,000	300,000
11. For certain additional married quarters -	1,000	4,150,000
TOTAL, ARMY SERVICES - - - -£	487,431,000	66,480,000
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 - -	6,000,000	—
Royal Ordnance Factories. For the expense of operating the Royal Ordnance Factories - - - - -	3,600,000	31,500,000

SCHEDULE (B).—PART 10

Air,
1963-64.

AIR

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the Air Services herein particularly mentioned, which will come in course of payment during the year ending on 31st March 1964, including provision for officers, airmen and airwomen for Air Force Service to a number not exceeding 148,000, 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 - - -	128,120,000	4,570,000
2. For the reserve and auxiliary services (to a number not exceeding 61,840, all ranks, for the Royal Air Force Reserve, and 1,200, all ranks, for the Royal Auxiliary Air Force) and cadet forces - - -	689,000	260,000
3. For the salaries, wages, &c., of civilian staff of the Air Ministry - - -	4,700,000	60,000
4. For the salaries, wages, &c., of civilians at outstations and the Meteorological Office - - -	42,050,000	3,880,000
5. For movements - - -	13,760,000	2,500,000
6. For supplies - - -	52,600,000	6,830,000
7. For aircraft and stores - - -	244,000,000	16,500,000
8. For lands and works - - -	2,340,000	5,780,000
9. For miscellaneous effective services including certain grants in aid and a subscription to the World Meteorological Organisation - - -	510,000	8,470,000
10. For non-effective services - - -	14,430,000	100,000
11. For certain additional married quarters -	1,000	3,000,000
TOTAL, AIR SERVICES - - -	503,200,000	51,950,000

Civil,
Class I,
1963-64.

SCHEDULE (B).—PART 11

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 31st March 1964, viz.:—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For the salaries and expenses of the House of Lords - - - - -	291,000	24,000
2. For the salaries and expenses of the House of Commons, including certain grants in aid - - - - -	1,752,000	7,000
3. For the salaries and expenses of the Department of Her Majesty's Treasury and subordinate departments and of the First Secretary of State, the Lord Privy Seal, the Chancellor of the Duchy of Lancaster, and the Minister without Portfolio - - - - -	4,179,000	220,000
4. For the salaries and expenses of the Department of Her Majesty's Most Honourable Privy Council - - - - -	52,000	3,000
5. For the salaries of Post Office Ministers - - - - -	7,500	—
6. For the salaries and expenses of the Customs and Excise Department, including a subscription to an international organisation - - - - -	21,802,000	1,459,000
7. For the salaries and expenses of the Inland Revenue Department - - - - -	62,885,000	2,051,000
8. For the salaries and expenses of the Department of the Comptroller and Auditor General - - - - -	680,000	148,000
9. For the salaries and expenses of the Civil Service Commission - - - - -	718,000	175,000
10. For the salaries and expenses of Royal Commissions, committees, special enquiries, shorthand reporting, &c., and for certain grants in aid - - - - -	672,000	—
TOTAL, CIVIL, CLASS I - - - - -	93,038,500	4,087,000

SCHEDULE (B).—PART 12

Civil,
Class II.
1963-64.

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 31st March 1964, viz.:—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For the salaries and expenses of the Department of Her Majesty's Secretary of State for Foreign Affairs; for sundry services; and for certain grants in aid (including a Supplementary sum of £112,000) - - -	27,395,000	3,313,000
2. For sundry grants and services connected with Her Majesty's Foreign Service, including subscriptions to certain international organisations and certain grants in aid (including a Supplementary sum of £164,000) - - - - -	24,727,000	1,500
3. For a grant in aid of the British Council -	4,660,000	—
4. For the salaries and expenses of the Department of Her Majesty's Secretary of State for Commonwealth Relations; for sundry services; and for certain grants in aid - - - - -	22,592,000	154,000
5. For sundry Commonwealth services, including subscriptions to certain international organisations and certain grants in aid (including a Supplementary sum of £50,000) - - - - -	18,315,000	—
6. For the salaries and expenses of the Department of Her Majesty's Secretary of State for the Colonies; for sundry services; and for grants in aid (including a Supplementary sum of £32,000) - - -	8,601,000	1,075,000
7. For sundry Colonial Services including subscriptions to certain international organisations and certain grants in aid (including a Supplementary sum of £346,000) - - - - -	12,345,000	63,000
8. For schemes made under the Colonial Development and Welfare Act 1959, for development in territories for which the Colonial Office is responsible - - -	17,500,000	—

Civil,
Class II.
1963-64.

SCHEDULE (B).—PART 12—*continued*

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
Vote		
9. For the salaries and expenses of the Department of the Secretary for Technical Cooperation; for sundry foreign, Commonwealth and Colonial services; for subscriptions to certain international organisations; for certain grants in aid; and for certain expenditure on schemes made under the Colonial Development and Welfare Act 1959 (including a Supplementary sum of £167,000) - -	33,091,000	1,746,000
10. For the salaries and expenses of the Central African Office; for sundry services; a loan, and a grant in aid - - -	1,954,000	16,000
11. For schemes made under the Colonial Development and Welfare Act 1959, for development in Central Africa - -	1,300,000	—
12. For a grant in aid of the Commonwealth War Graves Commission and certain other expenses - - - - -	1,215,000	—
TOTAL, CIVIL, CLASS II - - - -£	173,695,000	6,368,500

SCHEDULE (B).—PART 13

Civil,
Class III.
1963-64.

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 31st March 1964, viz.:—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For the salaries and expenses of the office of Her Majesty's Secretary of State for the Home Department; expenses and grants in connection with certain law, fire and sundry other services; and certain grants in aid - - - - -	10,543,000	3,272,000
2. For the salaries and expenses of the office of the Secretary of State for Scotland and of the Scottish Home and Health Department; for a grant to the Legal Aid (Scotland) Fund; for expenses in connection with fire, probation and sundry other services; and for grants in aid - - - - -	1,981,000	202,000
3. For grants and expenses in connection with civil defence and certain remanet expenditure; and for a grant in aid - - - - -	12,854,000	302,000
4. For grants and expenses in connection with civil defence in Scotland and certain remanet expenditure - - - - -	1,398,000	84,000
5. For grants in respect of expenditure incurred by police authorities in England and Wales, expenses in connection with the police services and a subscription to an international organisation - - - - -	75,705,000	525,000
6. For grants in respect of expenditure incurred by police authorities in Scotland, and expenses in connection with the police services - - - - -	7,767,000	18,000
7. For salaries and expenses in connection with the administration of prisons, borstal institutions, detention and remand centres in England and Wales - - - - -	24,211,000	1,690,000

P

SCHEDULE (B).—PART 13—continued

Civil,
Class III.
1963-64.

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
Vote		
8. For salaries and expenses in connection with the administration of Scottish prisons, borstal institutions, detention and remand centres - - - -	2,405,000	297,000
9. For grants and expenses in England and Wales in respect of approved schools, remand homes and voluntary homes, and for training in child care - -	4,962,000	170,000
10. For grants and expenses in Scotland in respect of approved schools, remand homes and voluntary homes, and for training in child care - - - -	599,000	12,000
11. 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 Judge Advocate of the Fleet, Pensions Appeal Tribunals, the Lands Tribunal, the Restrictive Practices Court and Council on Tribunals, certain other expenses, and a grant in aid - - -	1,000	2,834,000
12. For the salaries and expenses of the County Courts - - - - -	649,000	4,310,000
13. For a grant to the Legal Aid Fund - -	3,792,000	—
14. For the salaries and expenses of the Law Officers' Department, the Department of Her Majesty's Procurator-General and Solicitor for the Affairs of Her Majesty's Treasury and the Department of the Director of Public Prosecutions; for the costs of prosecutions and other legal proceedings and of Parliamentary Agency - - - - -	859,000	261,000
15. For the salaries and expenses of the Lord Advocate's Department, of the Courts of Law and Justice, and of the Courts, Tribunals, &c.; and for sundry services	332,000	632,000
16. For such of the salaries and expenses of the Supreme Court of Judicature and Court of Criminal Appeal of Northern Ireland as are not charged on the Consolidated Fund; the salaries and expenses of Pensions Appeals in Northern Ireland and certain other expenses including a grant in aid - - - -	93,000	31,000
TOTAL, CIVIL, CLASS III - - - -	148,151,000	14,640,000

SCHEDULE (B).—PART 14

Civil,
Class IV.
1963-64.

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 31st March 1964, viz.:—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For the salaries and expenses of the office of the Committee of Privy Council for Trade and subordinate departments and agencies - - - - -	6,691,000	3,265,000
2. For the expenditure of the Board of Trade on the promotion of trade, exports and industrial efficiency, and on trading and other services, including subscriptions to international organisations and grants in aid - - - - -	8,109,000	43,000
3. For the promotion of local employment (including a Supplementary sum of £6,325,000) - - - - -	30,850,000	111,000
4. For the salaries and expenses of the Export Credits Guarantee Department, including a subscription to an international organisation, and for payments under guarantees given after consultation with the Export Guarantees Advisory Council	1,000	7,477,000
5. For payments under Special Guarantees given or arising from other arrangements made by the Board of Trade in the national interest - - - - -	1,000	99,000
6. For the salaries and expenses of the Ministry of Labour including those relating to the Employment Exchange service and the inspection of factories; for expenses, grants and loans in connection with employment, training, rehabilitation, &c.; for expenses of the Industrial Court; for a subscription to the International Labour Organisation; for grants in aid and sundry other services - - - - -	26,884,000	6,252,000
7. For the salaries and expenses of the Ministry of Aviation for the administration of supply (including research, development and inspection), and of civil aviation; for contributions to certain international organisations, a grant in aid, a conditional grant, and sundry other services - - - - -	270,670,000	33,000,000

Civil,
Class IV.
1963-64.

SCHEDULE (B).—PART 14—*continued*

Vote	Sums not exceeding	
	Supply Grants	Appropriations in A
	£	£
8. For expenditure by the Ministry of Aviation on the supply of aircraft and other equipment for the Government service and on miscellaneous supply - - -	37,500,000	—
9. For the construction, maintenance and operation of civil aerodromes, for civil air navigational services and for a subscription to Eurocontrol - - -	11,300,000	15,330,00
10. For the salaries and expenses of the Ministry of Transport, the Coastguard, certain Tribunals and Committees and sundry other services including subscriptions to international organisations (including a Supplementary sum of £35,000) - - -	4,829,000	4,883,00
11. For expenditure, including grants and loans to highway, &c., authorities on the construction, improvement and maintenance of roads, &c., in England and Wales and sundry services connected therewith; for expenditure on the collection of motor vehicle duties, &c., and the registration of motor vehicles in Great Britain; for road research and safety; and for sundry other services - - -	151,261,000	5,020,00
12. For expenditure, including grants and loans to highway, &c., authorities, on the construction and maintenance of roads, &c., in Scotland and sundry services connected therewith; and for sundry other services - - -	21,653,000	34,00
13. For miscellaneous services connected with shipping, seamen, inland transport and ports, including the operation of a flood warning system, and certain special and other services (including a Supplementary sum of £1,501,000) -	2,469,000	343,00
13A. For loans to United Kingdom shipowners for shipbuilding purposes, and other expenses - - -	1,000	11,02
14. For the expenditure of the Ministry of Transport in grant to the British Railways Board and the British Waterways Board in respect of deficits on their revenue accounts - - -	145,882,000	—
15. For the salaries and expenses of the Ministry of Power; for expenditure on oil storage and distribution; and for sundry other services - - -	3,299,000	1,972,00
TOTAL, CIVIL, CLASS IV - - -	721,400,000	77,840,02

SCHEDULE (B).—PART 15

Civil,
Class V.
1963-64.

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 31st March 1964, viz.:—

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
Vote		
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 Scottish Committee - - -	22,627,000	438,000
2. For the salaries and expenses of the Department of Agriculture and Fisheries for Scotland; for expenditure in connection with sundry agricultural, food and transport and harbour services, including grants and grants in aid - - -	9,052,000	903,000
3. For expenditure by the Ministry of Agriculture, Fisheries and Food on grants and subsidies for the encouragement of food production and the improvement of agriculture and for sundry other services -	98,990,000	6,000
4. For expenditure by the Department of Agriculture and Fisheries for Scotland on grants and subsidies for the encouragement of food production and the improvement of agriculture - - -	12,942,000	—
5. For expenditure by the Ministry of Agriculture, Fisheries and Food in implementation of agricultural price guarantees and for sundry other services	219,630,000	6,000
6. For expenditure by the Department of Agriculture and Fisheries for Scotland in implementation of agricultural price guarantees - - - - -	24,140,000	—
7. For expenditure by the Ministry of Agriculture, Fisheries and Food in connection with sundry agricultural and food services including grants, grants in aid and certain subscriptions to international organisations - - - -	14,371,000	5,390,000
8. For expenditure by the Ministry of Agriculture, Fisheries and Food in connection with the procurement and maintenance of strategic reserves - -	2,253,000	10,500,000

Civil,
Class V.
1963-64.

SCHEDULE (B).—PART 15—continued

	Sums not exceeding	
	Supply Grants	Appropriations in A
	£	£
Vote		
9. For grants, loans and expenses in connection with assistance to fishermen; grants and loans to the White Fish Authority; expenditure on research and development relating to fisheries and fish marketing and on the construction, improvement and maintenance of harbours and fishing facilities; subscriptions to certain international organisations and a grant in aid of the White Fish Marketing Fund - - -	5,494,000	8,00
10. In connection with Scottish fisheries and the United Kingdom herring industry for grants, loans and expenses in connection with assistance to fishermen, fishery protection, research and development relating to fisheries and fish marketing and the construction, improvement and maintenance of harbours and fishing facilities; and a grant in aid of the Herring Marketing Fund - - -	2,760,000	13,00
11. For a grant in aid of the Forestry Fund (including a Supplementary sum of £400,000) - - - - -	12,800,000	—
TOTAL CIVIL, CLASS V - - - - -	425,059,000	17,264,00

SCHEDULE (B).—PART 16

Civil,
Class VI.
1963-64.

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 31st March 1964, viz.:—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For the salaries and expenses of the offices of the Minister of Housing and Local Government and Minister for Welsh Affairs and of the Minister of State for Welsh Affairs; grants and expenses in connection with water supply, sewerage, coast protection, storm damage relief, abating the pollution of the air, planning and redevelopment, new towns, national parks and sundry other services and a grant in aid (including a Supplementary sum of £48,000) - - - - -	18,009,000	896,000
2. For salaries and expenses of the Scottish Development Department; for grants and expenses in connection with planning and redevelopment, water and sewerage, coast protection and sundry other services, including a grant in aid -	2,721,000	12,000
3. For grants and other payments relating to the provision, improvement and repair of permanent and temporary housing accommodation, and to emergency housing services in England and Wales -	77,422,000	1,467,000
4. For grants and other payments relating to the provision, improvement and repair of permanent and temporary housing accommodation in Scotland - - - -	17,920,000	268,000
5. For general grants to local authorities in England and Wales - - - - -	565,988,000	—
6. For general grants to local authorities in Scotland - - - - -	65,471,000	—
7. For rate deficiency and exchequer equalisation grants to local authorities in England and Wales - - - - -	141,377,000	—
8. For equalisation and transitional grants to local authorities in Scotland - - - -	20,950,000	—
9. For the salaries and expenses of the Ministry of Education; for grants in connection with education, &c., for sundry services; and for subscriptions to certain international organisations -	133,993,000	54,000

Civil,
Class VI.
1963-64.

SCHEDULE (B).—PART 16—*continued*

	Sums not exceeding	
	Supply Grants	Appropriations in A
	£	£
Vote		
10. For the salaries and expenses of the Scottish Education Department; for grants in connection with education, &c.; and for sundry services - - -	23,689,000	6,000
11. For expenditure by the Ministry of Education on superannuation allowances and gratuities, &c., in respect of teachers -	1,000	42,727,000
12. For expenditure by the Scottish Education Department on superannuation allowances and gratuities, &c., in respect of teachers - - -	1,000	5,953,000
13. For the salaries and expenses of the Ministry of Health; for the expenses of certain committees, &c.; and for sundry services - - -	4,223,000	2,435,000
14. For the provision of hospital services, &c., under the National Health Service, &c., in England and Wales (including a Supplementary sum of £13,746,000) -	465,070,000	108,711,000
15. For the provision of Executive Councils' services under the National Health Service in England and Wales (including a Supplementary sum of £3,905,000) -	175,604,000	44,232,000
16. For the provision in England and Wales of certain miscellaneous services under the National Health Service, &c., and of certain welfare services; and for a subscription to the World Health Organisation and certain grants in aid - -	40,428,000	2,028,000
17. For expenditure by the Ministry of Health on pensions, allowances, gratuities, &c., payable under Section 6(6) of the National Health Service Act 1946, or under Regulations made under section 67 of that Act; and certain payments to the National Insurance Fund - -	1,000	19,669,000
18. For the provision of services under the National Health Service in Scotland and other health and welfare services (including a Supplementary sum of £2,300,000)	87,726,000	17,183,000
19. For expenditure by the Scottish Home and Health Department on pensions, allowances and gratuities, &c., payable under section 6(8) of the National Health Service (Scotland) Act 1947, or under Regulations under section 66 of that Act; and certain payments to the National Insurance Fund - - -	1,000	2,171,000

SCHEDULE (B).—PART 16—*continued*

Civil,
Class VI.
1963-64.

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
Vote		
20. For the salaries and expenses of the Ministry of Pensions and National Insurance, including appellate, advisory and sundry other services and a subscription to an international organisation	7,867,000	41,696,000
21. For sums payable by the Exchequer to the National Insurance Fund and the Industrial Injuries Fund - - -	225,200,000	—
22. For payments in respect of family allowances - - - - -	140,975,000	25,000
23. For the salaries and expenses of the Department of the National Assistance Board and of certain Appeal Tribunals; assistance grants, &c.; non-contributory old age pensions, including pensions to blind persons; and sundry other services	226,247,000	4,200,000
24. For payments in respect of pensions, gratuities and allowances for disablement or death arising out of war, or service in the Armed Forces after 2nd September 1939, and for sundry other services, including national service grants - -	111,998,000	20,000
TOTAL, CIVIL, CLASS VI- - -	£2,552,882,000	293,753,000

Civil,
Class VII.
1963-64.

SCHEDULE (B).—PART 17

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 31st March 1964, viz.:

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For grants in aid and a grant towards the expenses of, and for loans to, universities, colleges, &c., and for certain post-graduate studentships - - -	105,452,000	—
2. For the salaries and expenses of the Office of the Minister for Science - - -	154,000	1,750
3. For payments towards meeting the expenses of the United Kingdom Atomic Energy Authority, for subscriptions, &c., to international projects and organisations, and for a grant in aid - - -	60,471,000	54,693,000
4. For the salaries and expenses of the Department of Scientific and Industrial Research, including certain subscriptions to international organisations - -	20,609,000	2,444,000
5. For a grant in aid of the Medical Research Council - - - - -	6,908,000	—
6. For a grant in aid of the Agricultural Research Council - - - - -	7,387,000	—
7. For a grant in aid of the Nature Conservancy - - - - -	701,000	—
8. For grants in aid of certain institutions and bodies concerned with science and for services connected therewith - - -	406,000	750
TOTAL, CIVIL, CLASS VII - - -£	202,088,000	57,139,500

SCHEDULE (B).—PART 18

Civil,
Class VIII.
1963-64.

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 31st March 1964, viz. :—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For the salaries and expenses of the British Museum, including a purchase grant in aid - - - - -	1,122,000	266,000
2. For the salaries and expenses of the British Museum (Natural History), including a purchase grant in aid - - - - -	657,000	22,000
3. For the salaries and expenses of the Science Museum, including a purchase grant in aid - - - - -	360,000	1,000
4. For the salaries and expenses of the Victoria and Albert Museum, including purchase grants in aid (including a Supplementary sum of £27,000) - - - - -	647,000	9,000
5. For the salaries and expenses of the Imperial War Museum, including a purchase grant in aid - - - - -	77,000	10,400
6. For the salaries and expenses of the London Museum, including a purchase grant in aid - - - - -	59,000	1,275
7. For the salaries and expenses of the National Gallery, including a purchase grant in aid (including a Supplementary sum of £35,000) - - - - -	291,000	1,800
8. For the salaries and expenses of the National Maritime Museum, including a purchase grant in aid - - - - -	114,000	400
9. For the salaries and expenses of the National Portrait Gallery, including a purchase grant in aid - - - - -	47,000	4,100
10. For the salaries and expenses of the Tate Gallery, including a purchase grant in aid - - - - -	116,000	1,700
11. For the salaries and expenses of the Wallace Collection - - - - -	57,000	5,000
12. For the salaries and expenses of the Royal Scottish Museum, including purchase grants in aid - - - - -	126,000	—
13. For the salaries and expenses of the National Gallery of Scotland, the Scottish National Gallery of Modern Art and the Scottish National Portrait Gallery, including purchase grants in aid	93,000	5,000

Civil,
Class VIII.
1963-64.

SCHEDULE (B).—PART 18—*continued*

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
Vote		
14. For the salaries and expenses of the National Library of Scotland, including a purchase grant in aid- - - -	119,000	5,500
15. For the salaries and expenses of the National Museum of Antiquities of Scotland, including a purchase grant in aid - - - - -	30,000	150
16. For grants in aid of certain institutions and bodies connected with the arts - -	3,903,000	—
TOTAL, CIVIL, CLASS VIII - -£	7,818,000	333,325

SCHEDULE (B).—PART 19

Civil,
Class IX.
1963-64.

CIVIL.—CLASS IX

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on 31st March 1964, viz.:—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For the salaries and expenses of the Ministry of Public Building and Works	26,340,000	8,900,000
2. For expenditure on public buildings in the United Kingdom, including a purchase grant in aid, and sundry other services	40,650,000	7,481,000
2A. For a memorial to the memory of the late Earl Lloyd George - - - -	9,000	—
3. For expenditure on public buildings overseas - - - - -	5,318,000	200,000
4. For expenditure on works and buildings for the Admiralty - - - -	19,522,000	2,000,000
5. For expenditure on works and buildings for the War Office - - - -	61,192,000	4,748,000
6. For expenditure on works and buildings for the Air Ministry - - - -	47,445,000	10,015,000
7. For expenditure on Houses of Parliament buildings - - - - -	475,000	2,000
8. For expenditure on the Royal Palaces, including a grant in aid - - - -	781,000	77,000
9. For expenditure on Royal parks and pleasure gardens - - - - -	1,371,000	116,000
10. For grants and expenses in connection with historic buildings and ancient monuments - - - - -	1,328,000	169,000
11. For the salaries and expenses of the Rating of Government Property Department, and for rates and contributions in lieu of rates for property occupied by the Crown and premises occupied by representatives of Commonwealth and foreign countries and international organisations	25,505,000	1,195,000
12. For the salaries and expenses of the Stationery Office; for stationery, printing, books, office equipment, &c.; for official publications; and for sundry services	20,378,000	9,425,010
13. For the salaries and expenses of the Central Office of Information - - - -	6,203,000	2,063,000
14. For the salaries and expenses of the Department of the Government Actuary -	42,000	34,000

Civil,
Class IX.
1963-64.

SCHEDULE (B).—PART 19—*continued*

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
Vote		
15. For a grant in aid of the Government Hospitality Fund - - - - -	145,000	—
16. For civil superannuation and other pensions and non-recurrent payments; and for certain other expenditure in connection therewith - - - - -	43,780,000	2,140,000
17. For non-effective annual allowances, gratuities and certain expenses in connection with superannuation in respect of Post Office employment - - - - -	1,000	30,499,000
TOTAL, CIVIL, CLASS IX - - - - -	£ 300,485,000	79,064,010

SCHEDULE (B).—PART 20

CIVIL.—CLASS X

Civil,
Class X.
1963—64.

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 31st March 1964, viz.:—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
1. For the salaries and expenses of the Charity Commission for England and Wales - - - -	£ 283,000	£ 200
2. For the salaries and expenses of the Crown Estate Office- - - - -	175,000	—
3. For the salaries and expenses of the Registry of Friendly Societies - - - -	124,000	9,000
4. For the salaries and expenses of the Royal Mint in the production of coins, medals, badges, dies, seals, &c., and for the withdrawal of coin - - - -	1,000	3,923,000
5. For the salaries and expenses of the National Debt Office and Pensions Commutation Board - - - -	1,000	80,000
6. For the salaries and expenses of the establishment under the Public Works Loan Commission and the expenses of the Commission - - - -	1,000	46,000
7. For the salaries and expenses of the office of the Public Trustee - - - -	1,000	604,000
8. For the salaries and expenses of the Land Registry - - - -	1,000	2,220,000
9. For the salaries and expenses of the War Damage Commission - - - -	266,000	4,300
10. For the salaries and expenses of the Office of the Registrar of Restrictive Trading Agreements - - - -	149,000	—
11. For the survey of Great Britain and other mapping services - - - -	3,757,000	1,111,000
12. For the salaries and expenses of the Public Record Office - - - -	186,000	22,000
13. For the salaries and expenses of the Scottish Record Office - - - -	62,000	19,000
14. For the salaries and expenses of the Office of the Registrar General - - - -	790,000	440,000
15. For the salaries and expenses of the Department of the Registrar General of Births, Deaths and Marriages in Scotland - -	91,000	16,000
16. For the salaries and expenses of the Department of the Registers of Scotland -	1,000	247,000
17. For the salaries and expenses, including publicity, of the National Savings Committee - - - -	1,439,000	—
TOTAL, CIVIL, CLASS X - - - -	7,328,000	8,741,500

Civil,
Class XI.
1963-64.

SCHEDULE (B).—PART 21

CIVIL.—CLASS XI

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 31st March 1964, viz.:—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For grants to, and grants in aid of, the British Broadcasting Corporation and for payments to the Postmaster General (including a Supplementary sum of £7,700,000) - - - - -	59,821,000	340,000
2. For the salaries and expenses of the Carlisle State Management District - - - - -	1,000	2,541,000
3. For the salaries and expenses of the State Management Districts in Scotland - - - - -	1,000	546,000
4. For pensions and allowances to certain members of the former Indian and Burma Services and their dependants and to certain judges, including payments for the commutation of pensions; for certain payments to the Governments of India and Pakistan connected with pensions; and for sundry expenses - - - - -	8,749,000	1,000
5. For the payment of supplements to certain colonial and other overseas pensions, and of pensions, &c., in respect of service under the former Government of Palestine - - - - -	1,816,000	—
6. For pensions, &c., and compensation allowances awarded to retired and disbanded members of the Royal Irish Constabulary, and to their widows, including annuities to the National Debt Commissioners in respect of commutation of compensation allowances - - - - -	1,135,000	—
7. For charges in connection with land purchase in Northern Ireland, and the expenses of management of guaranteed stocks and bonds issued for the purpose of Irish land purchase - - - - -	1,107,000	100
8. For a grant in aid of the Development Fund - - - - -	1,386,000	—
9. For Her Majesty's foreign and other secret services - - - - -	8,000,000	—
10. For certain miscellaneous expenses, a subscription to an international organisation and grants in aid - - - - -	480,000	2,200
11. To repay to the Civil Contingencies Fund certain miscellaneous advances - - - - -	47,000	—
TOTAL, CIVIL, CLASS XI - - - - -	£ 82,543,000	3,430,300

SCHEDULE (C).—PART 1

Navy Services,
1961-62.
Section 5.

Navy Services, 1961-62, Votes	DEFICITS				SURPLUSES			
	Excesses of actual over estimated gross expenditure		Deficiencies of actual as compared with estimated receipts		Surpluses of estimated over actual gross expenditure		Surpluses of actual as compared with estimated receipts	
	£	s. d.	£	s. d.	£	s. d.	£	s. d.
1. Pay, &c., of the Royal Navy and Royal Marines - - -	89,738	16 6	—	—	—	—	72,036	8 7
2. Victualling and Cloth- ing for the Navy -	—	—	—	—	254,920	17 5	184,419	0 9
3. Medical Establish- ments and Services -	—	—	3,036	11 10*	23,393	14 1	—	—
4. Civilians employed on Fleet Services - -	11,838	9 6	—	—	—	—	17,841	3 1
5. Educational Services -	10,905	8 1	—	—	—	—	19,747	13 4
6. Scientific Services -	1,171,901	4 4	201,145	10 2	—	—	—	—
7. Royal Naval Reserves	55,932	13 2	—	—	—	—	277	15 4
8. Shipbuilding, Repairs, Maintenance, &c.:								
Section I.—Personnel	—	—	91,006	9 6*	372,634	14 5	—	—
Section II.—Matériel	1,145,641	3 0	3,592,988	14 6	—	—	—	—
Section III.— Contract Work	—	—	3,614,752	6 5*	12,172,779	5 11	—	—
9. Naval Armaments -	—	—	1,229,560	0 7*	503,619	2 9	—	—
10. Works, Buildings, Machinery and Repairs at Home and Abroad - - -	—	—	344,993	12 2*	874,422	5 9	—	—
11. Miscellaneous Effective Services - -	475,350	11 11	708,430	4 9	—	—	—	—
12. Admiralty Office -	279,084	16 9	—	—	—	—	36,069	14 3
13. Non-effective Services-	1,067,758	11 0	1,206	0 6	—	—	—	—
14. Additional Married Quarters - - -	—	—	298,147	13 9*	298,147	13 9	—	—

* These deficiencies of receipts were wholly or partially offset by surpluses of estimated over actual gross expenditure.

Army Services,
1961-62.
Section 5.

SCHEDULE (C).—PART 2

Army Services, 1961-62, Votes	DEFICITS				SURPLUSES			
	Excesses of actual over estimated gross expenditure		Deficiencies of actual as compared with estimated receipts		Surpluses of estimated over actual gross expenditure		Surpluses of actual as compared with estimated receipts	
	£	s. d.	£	s. d.	£	s. d.	£	s. d.
1. Pay, &c., of the Army	539,909	18 9	73,160	6 7	—	—	—	—
2. Reserve Forces, Territorial Army and Cadet Forces - -	—	—	—	—	197,945	13 8	89,642	2 9
3. War Office - -	47,527	13 10	—	—	—	—	22,484	6 0
4. Civilians - - -	—	—	—	—	375,631	6 5	129,030	1 0
5. Movements - -	—	—	—	—	29,144	13 7	72,673	14 10
6. Supplies, &c. - -	32,495	19 5	113,430	6 6	—	—	—	—
7. Stores - - -	59,035	10 4	—	—	—	—	1,719,496	4 10
8. Works, Buildings and Lands - - -	—	—	223,069	18 6*	1,527,988	2 8	—	—
9. Miscellaneous Effective Services - -	263,195	8 9	—	—	—	—	156,672	6 9
10. Non-effective Services-	322,220	18 10	—	—	—	—	73,516	18 10
11. Additional Married Quarters - -	111,786	5 10	1,309,826	2 7	—	—	—	—

* This deficiency of receipts was wholly offset by a surplus of estimated over actual gross expenditure.

SCHEDULE (C).—PART 3

Air Services,
1961–62,
Section 5.

Air Services, 1961–62, Votes	DEFICITS				SURPLUSES			
	Excesses of actual over estimated gross expenditure		Deficiencies of actual as compared with estimated receipts		Surpluses of estimated over actual gross expenditure		Surpluses of actual as compared with estimated receipts	
	£	s. d.	£	s. d.	£	s. d.	£	s. d.
1. Pay, &c., of the Air Force - - -	114,101	12 3	—	—	—	—	34,467	8 9
2. Reserve and Auxiliary Services - - -	—	—	—	—	68,979	8 1	998	7 4
3. Air Ministry - -	—	—	35,951	18 3*	14,949	10 5	—	—
4. Civilians at Outstations and the Meteorological Office - -	277,381	10 2	154,509	8 0	—	—	—	—
5. Movements - -	8,683	0 0	—	—	—	—	59,003	17 6
6. Supplies - - -	—	—	381,868	6 2*	238,482	14 5	—	—
7. Aircraft and Stores -	—	—	—	—	990,582	15 4	849,548	10 3
8. Works and Lands -	—	—	—	—	499,884	6 2	78,301	6 3
9. Miscellaneous Effective Services - -	69,103	1 4	94,240	18 4	—	—	—	—
10. Non-effective Services-	—	—	—	—	432,417	13 3	48,235	14 2
11. Additional Married Quarters - -	—	—	679,352	9 7*	101,167	9 7	—	—

* These deficiencies of receipts were partially offset by surpluses of estimated over actual gross expenditure.



1963 CHAPTER 27*Oaths and Evidence (Overseas Authorities and Countries)
Act 1963*

ARRANGEMENT OF SECTIONS

Section

1. Taking of evidence for foreign civil proceedings.
2. Administration of oaths etc. by representatives of protecting Power.
3. Amendment of 52 & 53 Vict. c. 10, s. 6.
4. Amendment of 19 & 20 Vict. c. 113.
5. Amendment of 23 & 24 Geo. 5. c. 4.
6. Interpretation.
7. Short title and extent.

An Act to authorise the administration of oaths and the performance of notarial acts by representatives of, and other persons empowered by the authorities of, countries overseas, and by representatives of Her Majesty in post overseas; and to amend the Foreign Tribunals Evidence Act 1856 and the Evidence (Foreign, Dominion and Colonial Documents) Act 1933.

[31st July 1963.]

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:—

Taking of
evidence for
foreign civil
proceedings.

1. Any person appointed by a court or other judicial authority of any foreign country shall have power in the United Kingdom to administer oaths for the purpose of taking evidence for use in proceedings, not being criminal proceedings, carried on under the law of that country.

Administration
of oaths etc. by
representatives
of protecting
Power.

2.—(1) Where in any country or area Her Majesty has for the time being no diplomatic or consular representatives appointed on the advice of Her Government in the United Kingdom, and arrangements made on such advice are in force for the representation of interests of Her Majesty in the country or area through diplomatic or consular representatives of any other country, Her Majesty may by Order in Council provide for empowering such representatives to administer oaths and do notarial acts.

(2) An Order under this section may prescribe the facts to be stated in the jurat by any person by whom an oath is administered by virtue of the Order; and any document purporting to have subscribed thereto the signature of any person in testimony of

any oath being administered before him, and containing in the jurat a statement of the facts required to be stated therein by the Order, shall be received in evidence without proof of the signature being the signature of that person or of the facts so stated.

3. Section 6 of the Commissioners for Oaths Act 1889 (powers of British ambassadors, ministers etc. to administer oaths) shall have effect as if the diplomatic ranks specified therein included the rank of counsellor. Amendment of 52 & 53 Vict. c. 10, s. 6.

4.—(1) Her Majesty may by Order in Council direct that section 1 of the Foreign Tribunals Evidence Act 1856 shall apply to such international courts, tribunals, commissions of enquiry or arbitrators as may be specified in the Order; and an Order in Council under this section may apply section 2 of that Act (certificate of ambassador etc. in support of application) with such modifications as to the persons by whom a certificate under that section may be given as may be specified in the Order. Amendment of 19 & 20 Vict. c. 113.

(2) Where the said Act of 1856 is so extended, section 1(4) of the Perjury Act 1911 and any corresponding enactment of the Parliament of Northern Ireland shall apply accordingly. 1 & 2 Geo. 5. c. 6.

5.—(1) If Her Majesty in Council is satisfied as respects any country that— Amendment of 23 & 24 Geo. 5. c. 4.

(a) there exist in that country public registers kept under the authority of the law of that country and recognised by the courts of that country as authentic records, and

(b) that the registers are regularly and properly kept,

Her Majesty may by Order in Council make in respect of that country and all or any of those registers such provision as is specified in subsection (2) of section 1 of the Evidence (Foreign, Dominion and Colonial Documents) Act 1933. 23 & 24 Geo. 5. c. 4.

(2) The foregoing subsection shall have effect in substitution for subsection (1) of the said section 1, and accordingly subsections (1) and (5) of the said section 1 are hereby repealed, in subsection (2) of that section for the words “ this section ” there shall be substituted “ section 5 of the Oaths and Evidence (Overseas Authorities and Countries) Act 1963 ”, and subsection (4) of that section (interpretation of “ country ”) shall apply for the interpretation of the foregoing subsection as it applies for the interpretation of the said section 1; but any Order in Council made under the said section 1 and in force at the commencement of this Act shall continue in force until revoked, or as varied, by an Order in Council under this section.

6.—(1) In this Act “ diplomatic or consular representative ” means a member of the diplomatic, consular or other foreign service of any country, and includes a person for the time being exercising diplomatic or consular functions. Interpretation.

(2) References in this Act to the administration of an oath shall include references to the taking of an affidavit, and references in section 2(2) of this Act shall be construed accordingly.

(3) Any power conferred by this Act to make an Order shall include power to vary or revoke the Order.

Short title and
extent.

7.—(1) This Act may be cited as the Oaths and Evidence (Overseas Authorities and Countries) Act 1963.

(2) It is hereby declared that this Act extends to Northern Ireland.

(3) Her Majesty may by Order in Council direct that any provisions of this Act shall extend to the Isle of Man or any of the Channel Islands, with such adaptations or modifications as may be specified in the Order; and where any provision is so extended any Order made thereunder shall have the like extent notwithstanding that it was made before the coming into operation of the Order under this subsection, but as so extended shall have effect subject to any adaptations or modifications specified in the last-mentioned Order.

1963 CHAPTER 28

Oil in Navigable Waters Act 1963

ARRANGEMENT OF SECTIONS

Section

1. Amendments as to prohibited sea areas.
2. Restriction of discharge at sea from new ships over specified tonnage.
3. Minor amendments and repeals.
4. Short title, construction, citation, commencement and extent.

SCHEDULES:

- Schedule 1—Minor Amendments.
- Schedule 2—Repeals.

An Act to enable effect to be given to certain amendments of the International Convention for the Prevention of Pollution of the Sea by Oil 1954, and otherwise to extend the Oil in Navigable Waters Act 1955.

[31st July 1963]

WHEREAS on the 11th April 1962 the Conference of Contracting Governments to the International Convention for the Prevention of Pollution of the Sea by Oil 1954, adopted amendments to that Convention:

And whereas it is expedient to enable effect to be given to those amendments, and otherwise to extend the Oil in Navigable Waters Act 1955:

3 & 4 Eliz. 2
c. 25.

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 areas which at the coming into operation of this section are prohibited sea areas in relation to tankers shall be prohibited sea areas in relation to all ships to which section 1 of the Oil in Navigable Waters Act 1955 (hereafter referred to as "the principal Act") applies. Amendments as to prohibited sea areas.

(2) The power of the Minister under section 2 (7) or 2 (8) of the principal Act (variation or deletion of prohibited sea areas, and designation of additional areas, in accordance with or to give effect to Conventions) shall be exercisable either generally or in relation to different classes of vessels or different circumstances or both.

2.—(1) If any oil to which section 1 of the principal Act applies is discharged anywhere at sea from a British ship registered in the United Kingdom, being a ship of twenty thousand tons gross tonnage or more for which the building contract was entered into on or after the coming into operation of this section, or if there is so discharged from such a ship any such oily mixture as is mentioned in subsection (1) of that section, the owner or master of the ship shall, subject to the provisions of the principal Act, be guilty of an offence. Restriction of discharge at sea from new ships over specified tonnage.

Provided that it shall be a defence to prove that by reason of special circumstances it was impracticable or unreasonable to retain the oil or mixture in the ship.

(2) Where any such oil or oily mixture is discharged at sea from such a ship as aforesaid, the master of the ship shall as soon as may be report the fact in the prescribed form and manner to the Minister, and if he fails to comply with this subsection he shall be guilty of an offence.

(3) Section 1 (3) of the principal Act (power to prescribe exceptions) shall apply to subsection (1) of this section, and sections 4 (special defences) and 6 (penalties) of the principal Act shall apply in relation to offences under the said subsection (1).

(4) In subsection (2) of this section "prescribed" means prescribed by regulation under section 7 of the principal Act, and subsection (5) of that section (failure to keep records and falsification of records) and subsection (6) thereof (evidence) shall apply in relation to reports required by subsection (2) of this section as they apply in relation to records required under the said section 7.

(5) For the purpose of giving effect to any variation of the Convention of 1954 or to any subsequent Convention the Minister may by order apply the foregoing provisions of this section to ships of such classes as may be specified in the order.

(6) Nothing in this section shall be taken to authorise the discharge of oil or oily mixture in a prohibited sea area.

Minor
amendments
and repeals.

3.—(1) The minor amendments of the principal Act specified in Schedule 1 to this Act shall have effect.

(2) The provisions of the principal Act specified in the third column of Schedule 2 to this Act are hereby repealed:

Provided that the repeals shall not affect the operation of any order of the Minister made before the coming into operation of the repeals.

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

4.—(1) This Act may be cited as the Oil in Navigable Waters Act 1963.

(2) This Act shall be construed as one with the principal Act, and that Act and this Act may be cited together as the Oil in Navigable Waters Acts 1955 and 1963.

(3) This Act shall come into operation on such day as the Minister may by order appoint, and different days may be appointed for the purpose of different provisions of this Act.

(4) It is hereby declared that this Act extends to Northern Ireland.

SCHEDULES

Section 3.

SCHEDULE 1

MINOR AMENDMENTS

1.—(1) In subsection (1) of section 1 of the principal Act for the words "containing oil to which this section applies" there shall be substituted the words "containing not less than one hundred parts of oil to which this section applies in a million parts of the mixture", and the words from "with the consequence" to "sea" shall cease to have effect.

(2) Subsection (4) of the said section 1 shall cease to have effect.

2.—(1) In subsection (1) of section 4 of the principal Act for the words from "the vessel" to "cargo" there shall be substituted the words "any vessel, or of preventing damage to any vessel or cargo".

(2) In section 7 of the principal Act, in subsection (1) (a) for the words from "her safety" to "cargo" there shall be substituted the words "the safety of any vessel, or of preventing damage to any vessel or cargo".

3.—(1) Subject to section 16 (1) of the principal Act (exclusion of naval ships), provisions of the principal Act or this Act which are expressed to apply only to British ships registered in the United Kingdom apply—

(a) to Government ships so registered,

(b) to Government ships, not so registered, which are held for the purposes of Her Majesty's Government in the United Kingdom,

as they apply to other ships which are registered in the United Kingdom as British ships.

(2) In this paragraph "Government ships" has the same meaning as in section 80 of the Merchant Shipping Act 1906.

6 Edw. 7 c. 48.

(3) Section 16 (2) (a) of the principal Act shall cease to have effect.

SCHEDULE 2

REPEALS

Section 3.

Session and Chapter	Short Title	Extent of Repeal
3 & 4 Eliz. 2. c. 25.	The Oil in Navigable Waters Act 1955.	<p>In section 1 (1), the words "in relation to that ship" and the words from "with the consequence" to "sea".</p> <p>Section 1 (4).</p> <p>In section 2 (1), the words from "in relation to tankers" to the end.</p> <p>In section 2 (2), in paragraph (a) the words "Part 1 of", "as from the coming into operation of this paragraph", and "in relation to tankers", and paragraph (b).</p> <p>Section 2 (3) and (4).</p> <p>In section 2 (5), the words "Part 1 of" and "in relation to tankers" in paragraph (a), and paragraph (b).</p> <p>Section 2 (6).</p> <p>In section 2 (8), the words from "in relation" to "than tankers" and from "in relation to tankers" to the end.</p> <p>In section 16 (2), paragraph (a).</p> <p>In section 22 (1), the definition of "tanker".</p> <p>In the Schedule, Parts II and IV, and in the headings to Parts I and III the words "<i>for Tankers</i>".</p>

(4) An advance made under this section shall carry interest at a rate not less than one quarter per cent. greater than that fixed by the Treasury under section 1 of the Public Works Loans Act 1897 in respect of loans to local authorities made on the date on which the terms of the advance are settled and for the same period as the advance, or at such other rate as the Minister may, in the case of the advance, fix.

(5) The mortgage deed securing an advance made under this section shall provide—

- (a) for repayment's being made, subject to the provisions of paragraphs (c) and (d) of this subsection, within such period, not exceeding thirty years, as may be specified in the deed ;
- (b) for repayment's being made, subject to the two next following paragraphs, either by instalments of principal or by an annuity of principal and interest combined ;
- (c) that, in the event of any of the conditions subject to which the advance is made not being complied with, the balance for the time being unpaid shall become repayable on demand by the authority ;
- (d) that the said balance, or such part thereof as may be provided for in the mortgage, may, in any event other than that specified in the last foregoing paragraph, be repaid on any such conditions as may be specified in the mortgage after one month's written notice of intention to repay has been given to the authority ;
- (e) where repayment is to be made by an annuity of principal and interest combined, for determining the amount by which the annuity or the life of the annuity is to be reduced when a part of the advance is paid off otherwise than by way of an instalment of the annuity.

Power of local authorities to make advances in pursuance of building agreements.

4.—(1) Where a local authority enter into an agreement with a person (hereafter in this section referred to as "the builder") whereby provision is made—

- (a) authorising the builder to enter on land belonging to the local authority for the purpose of his erecting a building thereon ;
- (b) for the sale of the land to the builder, if the building is erected to the satisfaction of the local authority, or, as the agreement may provide, for the grant of a lease to him if the building is so erected ;
- (c) for the local authority to advance money to the builder for the purpose of enabling him to erect the building ;

(d) for securing that, on such a sale or, as the case may be, grant of a lease, any amount advanced as mentioned in the last foregoing paragraph will, together with the interest thereon, be secured by a mortgage of the land ;

the local authority may, subject to the provisions of this section, advance money to that person for the purpose mentioned in paragraph (c) above.

(2) The amount of the principal of an advance made under this section shall not exceed three quarters of the amount which it is estimated will be the value of the security for the mortgage for which the agreement provides.

(3) Subsections (4) and (5) of section 3 of this Act shall apply to an advance made under this section as they apply to an advance made under that section.

5.—(1) A local authority may within their area provide off the street accommodation for the keeping of motor vehicles, and may for that purpose erect garages, construct hard standings or convert buildings into garages.

Provision of garage accommodation by local authorities.

(2) Any garage or hard standing by means of which accommodation is provided under this section for motor vehicles may be either one having accommodation for a single vehicle only or one having accommodation for several vehicles, and the local authority may let any such garage or hard standing having accommodation for a single vehicle only or any space in any such garage or hard standing having accommodation for several vehicles, for such period and consideration and subject to such terms and conditions as they think fit, to any person for the purpose of the accommodation of a motor vehicle.

(3) The local authority may manage, repair, maintain and insure any such garage or hard standing as aforesaid.

(4) Nothing in this section shall be taken as authorising a local authority to carry on any of the following activities, that is to say—

- (a) the storage or sale of fuel or lubricants ;
- (b) the sale of motor vehicles or accessories, spare parts or equipment for motor vehicles ;
- (c) the business of maintaining or repairing motor vehicles,

or to provide facilities or apparatus for any of those activities.

6.—(1) For section 89(2) of the National Parks and Access to the Countryside Act 1949 (which empowers a local planning authority to plant trees or carry out other work for the purpose of restoring or improving the appearance of derelict land in their area) there shall be substituted the following subsections—

Amendment of provisions of National Parks and Access to the Countryside Act 1949 relating to treatment of derelict land.

“(2) Where it appears to a local authority that any land in their area is derelict, neglected or unsightly, they may, subject to the provisions of the next following subsection,

(3) Before making an order under this section the Minister shall consult with any local authority appearing to him to be concerned, not being a local authority by whom an application for the making of the order was made.

(4) 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.

Expenses.

10. 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.

Application to Isles of Scilly.

11.—(1) The Minister may, after consultation with the Council of the Isles of Scilly, by order made by statutory instrument provide for the application of this Act (except sections 6 to 8 thereof) to the Isles of Scilly; and any such order may provide for the application of this Act (except as aforesaid) to those Isles subject to such modifications or to the exception of such provisions thereof as may be specified in the order.

(2) The exercise of the power conferred by this section shall be without prejudice to the powers of the Minister under section 292 of the Local Government Act 1933.

Savings.

12.—(1) No provision contained in section 2 or section 5 of this Act shall be construed as authorising on the part of a local authority any act or omission which, apart from that provision, would be actionable at the suit of any person on any grounds other than a limitation imposed by law on the capacity of the local authority by virtue of its constitution.

(2) None of the following sections of this Act, that is to say sections 2, 5 and 6, shall be treated as an alternative enactment within the meaning of section 79 of the Town and Country Planning Act 1962 (which empowers local authorities to develop land acquired by them under that Act for planning purposes where the power to do so does not exist by virtue of, and cannot be conferred under, an alternative enactment).

Exclusion of powers of compulsory purchase by county councils.

13. Section 159(1) of the Local Government Act 1933 (which provides that a county council may be authorised to purchase land compulsorily for the purposes of any of their functions under any public general Act) shall not apply in relation to any function conferred on a county council by any provision of this Act.

14.—(1) In this Act, except where the context otherwise requires, requires, Interpretation.

“corporate land” has the same meaning as in the Local Government Act 1933;

“erect” includes extend, alter and re-erect, and “erection” shall be construed accordingly;

“land” includes any interest in land and any easement or right in, to or over land;

“local authority”, except in section 6, means a local authority within the meaning of the Local Government Act 1933, other than a parish council;

“the Minister” means the Minister of Housing and Local Government.

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

15.—(1) This Act may be cited as the Local Authorities (Land) Act 1963. Short title and extent.

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

SCHEDULE

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
7 & 8 Eliz. 2. c. 53.	The Town and Country Planning Act 1959.	Section 30(6). In section 57(1), the definition of “corporate land”.
10 & 11 Eliz. 2. c. 38.	The Town and Country Planning Act 1962.	In section 71(2) the words “and shall not be exercisable except with the consent of the Minister in respect of corporate land”. In section 73(5) the word “or” at the end of paragraph (b), and paragraph (c). In section 77(2) the word “or” at the end of paragraph (b), and paragraph (c). In section 78(2) the word “or” at the end of paragraph (c), and paragraph (d). In section 78(8) the words from “and to the provisions of subsection (6) of section thirty” down to “corporate land”. In section 221(1), the definition of “corporate land”.



Table of Statutes referred to in this Act

Short Title	Chapter
Public Works Loans Act 1897	60 & 61 Vict. c. 51.
Law of Property Act 1925	15 & 16 Geo. 5. c. 20.
Local Government Act 1933	23 & 24 Geo. 5. c. 51.
National Parks and Access to the Countryside Act 1949	12, 13 & 14 Geo. 6. c. 97.
Town and Country Planning Act 1959 ...	7 & 8 Eliz. 2. c. 53.
Town and Country Planning Act 1962 ...	10 & 11 Eliz. 2. c. 38.

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### 1963 CHAPTER 30

An Act to revise the statute law by repealing obsolete, spent, unnecessary or superseded enactments.  
[31st July 1963]

**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:—

Repeal of  
obsolete, &c.,  
enactments.

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

Saving for  
powers of  
Parliament  
of Northern  
Ireland.  
10 & 11 Geo. 5.  
c. 67.

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

Short title.

3. This Act may be cited as the Statute Law Revision Act 1963.



## SCHEDULE

## ENACTMENTS REPEALED

| Chapter                             | Title or Short Title                                          | Extent of Repeal                                                                                                                                                                                                                |
|-------------------------------------|---------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 18 Edw. 3.<br>Stat. 3. c. 5.        | Prohibitions ... ..                                           | The whole Chapter.                                                                                                                                                                                                              |
| 50 Edw. 3. c. 4.                    | Prohibition shall not be allowed, after consultation granted. | The whole Chapter, in its application to Northern Ireland.                                                                                                                                                                      |
| 4 Geo. 2. c. 32.                    | The Theft Act 1730 ...                                        | The whole Act.                                                                                                                                                                                                                  |
| 48 Geo. 3. c.<br>110.               | The Herring Fishery (Scotland) Act 1808.                      | Section 10.<br>In section 11, the words from "to be appointed" to "of this Act" (where secondly occurring), and the words from "Which oath" onwards.<br>Sections 12, 18, 31, 32, 34 to 38, 40 to 45, 47, 49, 51, 54, 58 and 59. |
| 55 Geo. 3. c.<br>94.                | The Herring Fishery (Scotland) Act 1815.                      | Sections 1, 10, 12, 14, 15, 17, 18, 20, 21, 23, 31 to 33, 38, 40 and 43.                                                                                                                                                        |
| 55 Geo. 3.<br>c. 128.               | The Admiralty (Signal Stations) Act 1815.                     | The whole Act.                                                                                                                                                                                                                  |
| 4 Geo. 4. c. 35.                    | The Statutory Commissioners Act 1823.                         | The whole Act.                                                                                                                                                                                                                  |
| 4 Geo. 4. c. 61.                    | The Court of Chancery (Ireland) Act 1823.                     | Section 12.<br>In section 57, the words from "or for the lord keeper" to "time being" and the words "and their" and "or their".                                                                                                 |
| 4 Geo. 4. c. 80.                    | The Lascars Act 1823.                                         | The whole Act.                                                                                                                                                                                                                  |
| 6 Geo. 4. c. 42.                    | The Bankers (Ireland) Act 1825.                               | The whole Act.                                                                                                                                                                                                                  |
| 7 & 8 Geo. 4.<br>c. 28.             | The Criminal Law Act 1827.                                    | In section 1, the words "not having privilege of peerage".                                                                                                                                                                      |
| 9 Geo. 4. c. 65.                    | The Bank Notes (No. 2) Act 1828.                              | The whole Act.                                                                                                                                                                                                                  |
| 11 Geo. 4 &<br>1 Will. 4.<br>c. 32. | The Banks (Ireland) Act 1830.                                 | The whole Act.                                                                                                                                                                                                                  |
| 11 Geo. 4 &<br>1 Will. 4.<br>c. 36. | The Contempt of Court Act 1830.                               | In section 15, rule 7, in rule 16, the words "or upon any report to be made in pursuance of this Act", and rules 17 and 18.<br>In section 18, the words from "and vice-chancellor" onwards.                                     |

SCH.

| Chapter                                    | Title or Short Title                                   | Extent of Repeal                                                                                                     |
|--------------------------------------------|--------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| 11 Geo. 4 & 1 Will. 4. c. 36— <i>cont.</i> | The Contempt of Court Act 1830— <i>cont.</i>           | In section 21, the words "any conveyance, trans matter, or thing" and words from "and several" "thing respectively". |
| 11 Geo. 4 & 1 Will. 4. c. 39.              | The Transportation Act 1830.                           | The whole Act.                                                                                                       |
| 11 Geo. 4 & 1 Will. 4. c. 54.              | The Fisheries (Scotland) Act 1830.                     | Sections 2, 3 and 5.                                                                                                 |
| 11 Geo. 4 & 1 Will. 4. c. 69.              | The Court of Session Act 1830.                         | In section 21, the words fr "and all applications" wards.                                                            |
| 11 Geo. 4 & 1 Will. 4. c. 70.              | The Law Terms Act 1830.                                | In section 15, the words fr "save and except" onwai                                                                  |
| 11 Geo. 4 & 1 Will. 4. c. 71.              | The Acts of Parliament (Mistaken References) Act 1830. | The whole Act.                                                                                                       |
| 1 Will 4. c. 22.                           | The Evidence on Com- mission Act 1831.                 | The whole Act.                                                                                                       |
| 6 & 7 Will. 4. c. 87.                      | The Liberties Act 1836.                                | In section 12, the words fr the beginning to "and then forth".<br>Sections 13 and 14.                                |
| 7 Will. 4 & 1 Vict. c. 53.                 | The Liberty of Ely Act 1837.                           | Sections 1 to 4.                                                                                                     |
| 1 & 2 Vict. c. 2.                          | The Civil List Act 1837 ...                            | In section 14, the words " or the duties of one shilling a six pence respectively".                                  |
| 1 & 2 Vict. c. 96.                         | The Joint Stock Banks Act 1838.                        | The whole Act.                                                                                                       |
| 6 & 7 Vict. c. 82.                         | The Evidence by Com- mission Act 1843.                 | The whole Act.                                                                                                       |
| 8 & 9 Vict. c. 37.                         | The Bankers (Ireland) Act 1845.                        | Section 22.                                                                                                          |
| 9 & 10 Vict. c. 20.                        | The Parliamentary De- posits Act 1846.                 | The whole Act.                                                                                                       |
| 13 & 14 Vict. c. 26.                       | The Piracy Act 1850.                                   | Sections 2 and 3.<br>Schedule (A).                                                                                   |

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| Chapter                  | Title or Short Title                                       | Extent of Repeal                                                                                                                                                                                                                                                                 |
|--------------------------|------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 14 & 15 Vict.<br>c. 26.  | The Herring Fishery Act 1851.                              | Sections 3 and 4.<br>In section 8, the words "or by this Act", the words "or this Act," and the words "the secretary of the board for the time being, or".<br>In section 9, the words "or this Act".                                                                             |
| 14 & 15 Vict.<br>c. 102. | The Seamen's Fund Winding-up Act 1851.                     | The whole Act.                                                                                                                                                                                                                                                                   |
| 16 & 17 Vict.<br>c. 107. | The Customs Consolidation Act 1853.                        | In section 327, the words "or within the limits of the East India Company's charter (excepting the possessions of the said Company)".                                                                                                                                            |
| 16 & 17 Vict.<br>c. 113. | The Common Law Procedure Amendment Act (Ireland) 1853.     | In section 135, the words from "or of the Court" to "Superior Court of Common Law", the words from "or the Commissioners" to "the Court of Common Law", and the words from "or Court of Common Law" to "Incumbered Estates".                                                     |
| 16 & 17 Vict.<br>c. 131. | The Merchant Shipping Law Amendment Act 1853.              | Section 29.                                                                                                                                                                                                                                                                      |
| 17 & 18 Vict.<br>c. 94.  | The Public Revenue and Consolidated Fund Charges Act 1854. | In Schedule (A), the words "performing the Duties of the Courts of Session, Justiciary, and Court of Exchequer, and of the Bill Chambers, as fixed by the Act 2 & 3 Vict. cap. 36", and the words "Salaries of sheriffs and sheriffs substitute, per Act 16 & 17 Vict. cap. 80". |
| 17 & 18 Vict.<br>c. 120. | The Merchant Shipping Repeal Act 1854.                     | Section 15.                                                                                                                                                                                                                                                                      |
| 18 & 19 Vict.<br>c. 36.  | The Oxford University Act 1855.                            | The whole Act.                                                                                                                                                                                                                                                                   |
| 19 & 20 Vict.<br>c. 59.  | The Revenue (Transfer of Charges) Act 1856.                | The whole Act.                                                                                                                                                                                                                                                                   |
| 19 & 20 Vict.<br>c. 92.  | The Chancery Appeal Court (Ireland) Act 1856.              | Section 2.<br>In section 3, the words "who shall have exercised the office of High Chancellor of Ireland, or".                                                                                                                                                                   |

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| Chapter                  | Title or Short Title                                          | Extent of Repeal                                                                                                    |
|--------------------------|---------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| 21 & 22 Vict.<br>c. 11.  | The Cambridge University Act 1858.                            | The whole Act.                                                                                                      |
| 21 & 22 Vict.<br>c. 35.  | The Portendic and Albreda Convention Act 1858.                | The whole Act.                                                                                                      |
| 21 & 22 Vict.<br>c. 69.  | The Herring Fisheries (Scotland) Act 1858.                    | The whole Act.                                                                                                      |
| 21 & 22 Vict.<br>c. 72.  | The Landed Estates Court (Ireland) Act 1858.                  | Sections 20 and 21.                                                                                                 |
| 22 & 23 Vict.<br>c. 31.  | The Court of Probate Act (Ireland) 1859.                      | Section 35.                                                                                                         |
| 23 & 24 Vict.<br>c. 124. | The Ecclesiastical Commissioners Act 1860.                    | Section 29.                                                                                                         |
| 23 & 24 Vict.<br>c. 149. | The Court of Chancery Act 1860.                               | The whole Act.                                                                                                      |
| 24 & 25 Vict.<br>c. 72.  | The White Herring Fishery (Scotland) Act 1861.                | Sections 1, 4 and 5.                                                                                                |
| 24 & 25 Vict.<br>c. 91.  | The Revenue (No. 2) Act 1861.                                 | Section 35.                                                                                                         |
| 26 & 27 Vict.<br>c. 12.  | The Secretary at War Abolition Act 1863.                      | Section 3.                                                                                                          |
| 26 & 27 Vict.<br>c. 20.  | The Elections in Recess Act 1863.                             | In section 1, the words "the Act of the fifty-second year of George the Third, chapter one hundred and forty-four". |
| 26 & 27 Vict.<br>c. 84   | The Colonial Acts Confirmation Act 1863.                      | The whole Act.                                                                                                      |
| 28 & 29 Vict.<br>c. 22.  | The Herring Fisheries (Scotland) Act 1865.                    | The whole Act.                                                                                                      |
| 28 & 29 Vict.<br>c. 48.  | The Courts of Justice Building Act 1865.                      | Sections 2 and 4.                                                                                                   |
| 29 & 30 Vict.<br>c. 25.  | The Exchequer Bills and Bonds Act 1866.                       | In section 7, the words "or out of the growing produce thereof".<br>Section 28.                                     |
| 30 & 31 Vict.<br>c. 75.  | The Office and Oath Act 1867.                                 | Sections 1 and 3.                                                                                                   |
| 31 & 32 Vict.<br>c. 88.  | The Court of Chancery and Exchequer Funds (Ireland) Act 1868. | In section 2, the words "or the growing produce thereof".                                                           |

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| Chapter                 | Title or Short Title                                                        | Extent of Repeal                                                                                                                                                                    |
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| 32 & 33 Vict.<br>c. 42. | The Irish Church Act 1869.                                                  | In section 63, the words "or the growing produce thereof".                                                                                                                          |
| 32 & 33 Vict.<br>c. 91. | The Courts of Justice (Salaries and Funds) Act 1869.                        | In section 3, the definitions of "Court of Chancery" and "Court of Admiralty".<br>Sections 11 to 14, 30, 32 and 33.<br>Schedule 1.<br>In Schedule 2, Part II.<br>Schedules 3 and 4. |
| 33 & 34 Vict.<br>c. 71. | The National Debt Act 1870.                                                 | Section 70.                                                                                                                                                                         |
| 34 & 35 Vict.<br>c. 36. | The Pensions Commutation Act 1871.                                          | In section 11, the words "or the growing produce thereof".<br>Section 13.                                                                                                           |
| 34 & 35 Vict.<br>c. 86. | The Regulation of the Forces Act 1871.                                      | The Schedule.                                                                                                                                                                       |
| 35 & 36 Vict.<br>c. 61. | The Steam Whistles Act 1872.                                                | The whole Act, except in its application to Northern Ireland.                                                                                                                       |
| 35 & 36 Vict.<br>c. 67. | The Greenwich Hospital Act 1872.                                            | The Schedule.                                                                                                                                                                       |
| 35 & 36 Vict.<br>c. 68. | The Military Forces Localisation Act 1872.                                  | The Schedule.                                                                                                                                                                       |
| 38 & 39 Vict.<br>c. 45. | The Sinking Fund Act 1875.                                                  | In section 5, the words "or the growing produce thereof".                                                                                                                           |
| 38 & 39 Vict.<br>c. 58. | The Public Works Loans (Money) Act 1875.                                    | In section 4, the words "or out of the growing produce thereof".                                                                                                                    |
| 38 & 39 Vict.<br>c. 89. | The Public Works Loans Act 1875.                                            | Section 15.                                                                                                                                                                         |
| 39 & 40 Vict.<br>c. 18. | The Treasury Solicitor Act 1876.                                            | In section 4(3), the words "or the growing produce thereof".                                                                                                                        |
| 39 & 40 Vict.<br>c. 70. | The Sheriff Courts (Scotland) Act 1876.                                     | Section 53.                                                                                                                                                                         |
| 40 & 41 Vict.<br>c. 2.  | The Treasury Bills Act 1877.                                                | In section 5, the words "or the growing produce thereof".                                                                                                                           |
| 40 & 41 Vict.<br>c. 31. | The Limited Owners Reservoirs and Water Supply Further Facilities Act 1877. | The whole Act, except in its application to Northern Ireland.                                                                                                                       |

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| Chapter                 | Title or Short Title                                               | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                |
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| 40 & 41 Vict.<br>c. 57. | The Supreme Court of<br>Judicature Act (Ireland)<br>1877.          | In section 20, the words "the growing produce thereof"<br>In section 73, the words from the beginning to "Supreme Court" (where first occurring), the words "notwithstanding that the patronage thereof may be vested in an existing judge" and the words "Subject to the provisions of this Act preserving the patronage to existing judges"<br>In section 85, the words "out of the growing produce thereof". |
| 43 & 44 Vict.<br>c. 20. | The Inland Revenue Act<br>1880.                                    | In Schedule 3, the first three entries.                                                                                                                                                                                                                                                                                                                                                                         |
| 44 & 45 Vict.<br>c. 62. | The Veterinary Surgeons<br>Act 1881.                               | Sections 15 and 17.                                                                                                                                                                                                                                                                                                                                                                                             |
| 44 & 45 Vict.<br>c. 64. | The Central Criminal<br>Court (Prisons) Act<br>1881.               | In the Schedule, the words "and section 26 of the Act of 1862" and "Jurisdiction in Homicides Act 1862".                                                                                                                                                                                                                                                                                                        |
| 45 & 46 Vict.<br>c. 49. | The Militia Act 1882 ...                                           | Section 53(10).                                                                                                                                                                                                                                                                                                                                                                                                 |
| 45 & 46 Vict.<br>c. 62. | The Public Works Loans<br>Act 1882.                                | Section 6.                                                                                                                                                                                                                                                                                                                                                                                                      |
| 45 & 46 Vict.<br>c. 72. | The Revenue, Friendly<br>Societies, and National<br>Debt Act 1882. | In section 25, the words from "with this qualification" onwards.                                                                                                                                                                                                                                                                                                                                                |
| 46 & 47 Vict.<br>c. 1.  | The Consolidated Fund<br>(Permanent Charges Redemption) Act 1883.  | In section 2(3), the words "the growing produce thereof".                                                                                                                                                                                                                                                                                                                                                       |
| 47 & 48 Vict.<br>c. 23. | The National Debt (Conversion of Stock) Act<br>1884.               | In section 9, the definition of "person".                                                                                                                                                                                                                                                                                                                                                                       |
| 47 & 48 Vict.<br>c. 31. | The Colonial Prisoners<br>Removal Act 1884.                        | In section 16(2), the words from "nor any provisions" onwards.                                                                                                                                                                                                                                                                                                                                                  |
| 48 & 49 Vict.<br>c. 11. | The Egyptian Loan Act<br>1885.                                     | The whole Act.                                                                                                                                                                                                                                                                                                                                                                                                  |
| 48 & 49 Vict.<br>c. 61. | The Secretary for Scotland Act 1885.                               | In the Schedule, in Part I, the entries relating to public health, vaccination, general police, division of burghs into                                                                                                                                                                                                                                                                                         |

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| Chapter              | Title or Short Title                         | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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|                      |                                              | wards, county general assessment, locomotives regulation, food and drugs, local taxation returns and parliamentary divisions; Part II; and, in Part III, the entry relating to the Board of Manufactures.                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 49 & 50 Vict. c. 13. | The Cape Race Lighthouse Act 1886.           | The whole Act.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 50 & 51 Vict. c. 46. | The Truck Amendment Act 1887.                | Section 18(1).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 50 & 51 Vict. c. 52. | The Secretary for Scotland Act 1887.         | Section 3 (a), (b), (c) and (f).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 52 & 53 Vict. c. 23. | The Herring Fishery (Scotland) Act 1889.     | Section 5.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 52 & 53 Vict. c. 30. | The Board of Agriculture Act 1889.           | In section 4, the second proviso. In Schedule 1, in Part II, the entries relating to the following Acts, namely, the Tithe Act 1837, the Extraordinary Tithe Redemption Act 1886, the Public Money Drainage Acts of 1846, 1847, 1848, 1850, 1851 and 1856, the Land Drainage Act 1847, the Land Drainage Act 1861, the Public Health (Scotland) Act 1867, the Limited Owners Reservoirs and Water Supply Further Facilities Act 1877, the Crown Lands Act 1852, the Universities and College Estates Act 1858, the Universities and College Estates Act Extension 1860, the Universities and College Estates Amendment Act 1880 and the Agricultural Holdings (England) Act 1883. |
| 52 & 53 Vict. c. 39. | The Judicial Factors (Scotland) Act 1889.    | In section 1, the proviso. Sections 3, 4, 8 and 9.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 53 & 54 Vict. c. 24. | The Deeds of Arrangement Amendment Act 1890. | In section 2(1), the words " or a local court of bankruptcy " and the words " or local court of bankruptcy, as the case may be ". In section 2(3) and (5), the words " or a local court of bankruptcy ". Section 4(1)(c).                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

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| Chapter                    | Title or Short Title                                    | Extent of Repeal                                                                                                           |
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| 53 & 54 Vict.<br>c. 37.    | The Foreign Jurisdiction Act 1890.                      | So much of Schedule 2 relates to the Act 24 & Vict. c. 31.                                                                 |
| 54 & 55 Vict.<br>c. 24.    | The Public Accounts and Charges Act 1891.               | Section 4(3).                                                                                                              |
| 54 & 55 Vict.<br>c. 28.    | The Branding of Herrings (Northumberland) Act 1891.     | The whole Act.                                                                                                             |
| 54 & 55 Vict.<br>c. 31.    | The Mail Ships Act 1891                                 | The whole Act.                                                                                                             |
| 54 & 55 Vict.<br>c. 48.    | The Purchase of Land (Ireland) Act 1891.                | In section 15(9), the words "or the growing produce thereof".                                                              |
| 56 & 57 Vict.<br>c. 1.     | The Coinage Act 1893 ...                                | The whole Act.                                                                                                             |
| 57 & 58 Vict.<br>c. 60.    | The Merchant Shipping Act 1894.                         | Section 125(5).                                                                                                            |
| 58 & 59 Vict.<br>c. 19.    | The Court of Session Consignations (Scotland) Act 1895. | Sections 7 and 8.<br>In section 14, the words "of the growing produce thereof".                                            |
| 61 & 62 Vict.<br>c. 37.    | The Local Government (Ireland) Act 1898.                | Section 73.                                                                                                                |
| 62 & 63 Vict.<br>c. 30.    | The Commons Act 1899                                    | In section 7, the words "with out licence in mortmain".                                                                    |
| 62 & 63 Vict.<br>c. 46.    | The Improvement of Land Act 1899.                       | In Schedule 1, the words "40 & 41 Vict. c. 31—The Limited Owners Reservoirs and Water Supply Further Facilities Act 1877". |
| 63 Vict. Sess. 2.<br>c. 3. | The Second Session (Explanation) Act 1899.              | The whole Act.                                                                                                             |
| 63 & 64 Vict.<br>c. 19.    | The Land Registry (New Buildings) Act 1900.             | Section 3.                                                                                                                 |
| 63 & 64 Vict.<br>c. 24.    | The Veterinary Surgeons Amendment Act 1900.             | The whole Act.                                                                                                             |
| 1 Edw. 7. c. 4.            | The Civil List Act 1901...                              | The whole Act.                                                                                                             |
| 2 Edw. 7. c. 36.           | The Mail Ships Act 1902                                 | The whole Act.                                                                                                             |



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| Chapter                       | Title or Short Title                              | Extent of Repeal                                                                                                                                                                                                                                                                                |
|-------------------------------|---------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3 Edw. 7. c. 37.              | The Irish Land Act 1903                           | Section 36(4) and, in section 36(7), the words from " in the first instance " to " preceding subsection, or " and the word " other ".<br>In section 29(1), the words " or the growing produce thereof ". and, in section 29(2), the words " and shall be made good out of the Guarantee Fund ". |
| 4 Edw. 7. c. 21.              | The Capital Expenditure (Money) Act 1904.         | In section 1(3), the words " or the growing produce thereof ".                                                                                                                                                                                                                                  |
| 5 Edw. 7. c. 4.               | The Finance Act 1905 ...                          | The whole Act.                                                                                                                                                                                                                                                                                  |
| 8 Edw. 7. c. 62.              | The Local Government (Scotland) Act 1908.         | Section 7(1).                                                                                                                                                                                                                                                                                   |
| 10 Edw. 7. & 1 Geo. 5. c. 8.  | The Finance (1909-10) Act 1910.                   | Sections 90 and 91.                                                                                                                                                                                                                                                                             |
| 10 Edw. 7. & 1 Geo. 5. c. 28. | The Civil List Act 1910...                        | Section 3.<br>In section 8, the words " for the Civil List, and ", the words from " for Her Majesty the Queen " to " the Princess of Wales, and ", the words from " and for the payment " (where secondly occurring) to " of this Act " and the words " or the growing produce thereof ".       |
| 1 & 2 Geo. 5. c. 2.           | The Revenue Act 1911 ...                          | Section 16.                                                                                                                                                                                                                                                                                     |
| 1 & 2 Geo. 5. c. 49.          | The Small Landholders (Scotland) Act 1911.        | In section 3(9), the words " or the growing produce thereof ".                                                                                                                                                                                                                                  |
| 4 & 5 Geo. 5. c. 31.          | The Housing Act 1914 ...                          | In section 2(1) and (3), the words " or the growing produce thereof ".                                                                                                                                                                                                                          |
| 4 & 5 Geo. 5. c. 59.          | The Bankruptcy Act 1914                           | In section 90(4), the words " or the growing produce thereof ".                                                                                                                                                                                                                                 |
| 5 & 6 Geo. 5. c. 74.          | The Police Magistrates (Superannuation) Act 1915. | In section 1(4), the words " or the growing produce thereof ".                                                                                                                                                                                                                                  |
| 5 & 6 Geo. 5. c. 89.          | The Finance (No. 2) Act 1915.                     | Section 50.                                                                                                                                                                                                                                                                                     |

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| Chapter                      | Title or Short Title                                           | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| 9 & 10 Geo. 5.<br>c. 37.     | The War Loan Act 1919                                          | In section 1(3) and (5), the words "or the growing produce thereof".<br>In section 3(3), the words "or the growing produce thereof".                                                                                                                                                                                                                                                                                                                                                                                                              |
| 10 & 11 Geo. 5.<br>c. 55.    | The Emergency Powers Act 1920.                                 | In section 2 (4), the words from "and regulations" onwards.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 11 & 12 Geo. 5.<br>c. 32.    | The Finance Act 1921 ...                                       | In section 45(1), the words "or the growing produce thereof".                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 11 & 12 Geo. 5.<br>c. 67.    | The Government of Ireland Act 1920.                            | In sections 32(6), 34(1), 54(1) and 57(1), the words "or the growing produce thereof".                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 12 & 13 Geo. 5.<br>c. 24.    | The Government of Northern Ireland (Loan Guarantee) Act 1922.  | In section 1(3), the words "or the growing produce thereof".                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 12 & 13 Geo. 5.<br>c. 50.    | The Expiring Laws Act 1922.                                    | In Schedule 1, the entries numbered (8), (13), (15), (16), (17), (18) and (20).                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 13 Geo. 5. Sess.<br>2. c. 4. | The Trade Facilities and Loans Guarantee Act 1922 (Session 2). | Section 2.<br>In section 5(1), the words from "in respect" (where first occurring) to "Government, or", the words from "or required" to "Treasury under this Act" and the words "or the growing produce thereof", and, in section 5(2), the words from "in respect" (where first occurring) to "Government, or", the words "and of any securities issued by the Treasury under this Act", the words "or for meeting the principal of or the interest on any securities so issued by the Treasury" and the words "securities or".<br>Section 6(2). |
| 13 & 14 Geo. 5.<br>c. 21.    | The Forestry (Transfer of Woods) Act 1923.                     | Section 1(4).<br>In section 3, the words "or the growing produce thereof".                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 14 & 15 Geo. 5.<br>c. 8.     | The Trade Facilities Act 1924.                                 | Section 2.<br>In section 5, the words from "and the Trade Facilities Acts" onwards.                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

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| Chapter                   | Title or Short Title                                      | Extent of Repeal                                                                                                                                                                                             |
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| 15 & 16 Geo. 5.<br>c. 19. | The Trustee Act 1925 ...                                  | In section 6, the words "the Public Money Drainage Acts 1846 to 1856 or".                                                                                                                                    |
| 15 & 16 Geo. 5.<br>c. 49. | The Supreme Court of Judicature (Consolidation) Act 1925. | In section 15(a), the words "or the growing produce thereof".                                                                                                                                                |
| 16 & 17 Geo. 5.<br>c. 62. | The East Africa Loans Act 1926.                           | In section 1(3), the words "or the growing produce thereof".                                                                                                                                                 |
| 18 & 19 Geo. 5.<br>c. 36. | The Naval Prize Act 1928                                  | In section 1(1), the words "or the growing produce thereof".                                                                                                                                                 |
| 19 & 20 Geo. 5.<br>c. 7.  | The Imperial Telegraphs Act 1929.                         | The whole Act.                                                                                                                                                                                               |
| 19 & 20 Geo. 5.<br>c. 8.  | The Appellate Jurisdiction Act 1929.                      | In section 1(4) and (6), the words "or the growing produce thereof".                                                                                                                                         |
| 19 & 20 Geo. 5.<br>c. 29. | The Government Annuities Act 1929.                        | In section 8(1), the words "or out of the growing produce thereof".<br>In section 41(1), the words "or out of the growing produce thereof".<br>In section 67(6), the words "or the growing produce thereof". |
| 20 & 21 Geo. 5.<br>c. 28. | The Finance Act 1930 ...                                  | In section 48, the words "or the growing produce thereof."                                                                                                                                                   |
| 20 & 21 Geo. 5.<br>c. 48. | The London Naval Treaty Act 1930.                         | The whole Act.                                                                                                                                                                                               |
| 21 & 22 Geo. 5.<br>c. 41. | The Agricultural Land (Utilisation) Act 1931.             | In section 22(1) and (3), the words "or the growing produce thereof".                                                                                                                                        |
| 21 & 22 Geo. 5.<br>c. 49. | The Finance (No. 2) Act 1931.                             | In section 17(1), the words "or the growing produce thereof".                                                                                                                                                |
| 22 & 23 Geo. 5.<br>c. 25. | The Finance Act 1932 ...                                  | In section 24(4), the words "or the growing produce thereof".                                                                                                                                                |
| 23 & 24 Geo. 5.<br>c. 41. | The Administration of Justice (Scotland) Act 1933.        | In section 6(3)(f), the words "under the Evidence by Commission Act 1843 or".                                                                                                                                |
| 24 & 25 Geo. 5.<br>c. 32. | The Finance Act 1934 ...                                  | In section 24, the words "or the growing produce thereof".<br>In section 25(3), the words "or the growing produce thereof".                                                                                  |
| 24 & 25 Geo. 5.<br>c. 53. | The County Courts Act 1934.                               | In section 9(5), the words "or the growing produce thereof".                                                                                                                                                 |

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| Chapter                            | Title or Short Title                                   | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                       |
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| 25 & 26 Geo. 5.<br>c. 8.           | The Unemployment Insurance Act 1935.                   | Section 105(3).                                                                                                                                                                                                                                                                                                                                                                                        |
| 25 & 26 Geo. 5.<br>c. 24.          | The Finance Act 1935 ...                               | In section 30(1), the words "or the growing produce thereof".                                                                                                                                                                                                                                                                                                                                          |
| 26 Geo. 5 &<br>1 Edw. 8. c.<br>15. | The Civil List Act 1936...                             | In section 11, the words from "under this Act" (where first occurring) to "His Royal Highness's family", the words from "and for the payment" (where secondly occurring) to "of this Act", the words "or the growing produce thereof", and the words from "and, in particular" onwards.<br>In section 12, the words "or any of the reductions of the yearly payments," and the words "and reductions". |
| 26 Geo. 5 & 1<br>Edw. 8. c. 19.    | The Special Areas Reconstruction (Agreement) Act 1936. | The whole Act.                                                                                                                                                                                                                                                                                                                                                                                         |
| 26 Geo. 5. & 1<br>Edw. 8. c. 26.   | The Land Registration Act 1936.                        | In section 5(2), the words "or the growing produce thereof" (in both places where they occur).                                                                                                                                                                                                                                                                                                         |
| 26 Geo. 5. & 1<br>Edw. 8. c. 43.   | The Tithe Act 1936 ...                                 | In section 25(3), the words "or the growing produce thereof".<br>In section 26(1), the words "or the growing produce thereof" and, in section 26(3), the words "out of the Consolidated Fund or the growing produce thereof".                                                                                                                                                                          |
| 1 Edw. 8. & 1<br>Geo. 6. c. 32.    | The Civil List Act 1937...                             | In section 13, the words "or the growing produce thereof".                                                                                                                                                                                                                                                                                                                                             |
| 1 Edw. 8 & 1<br>Geo. 6. c. 35.     | The Statutory Salaries Act 1937.                       | Section 1(1).<br>In section 1(2), the words "or the growing produce thereof".<br>In section 3, the words "or by the Lord Chancellor with the concurrence of the Treasury".<br>Section 5(2).<br>Schedule 1.<br>In Schedule 2, the entries relating to the Crown Lands Act 1829, the Crown Lands Act 1832 and the Lyon King of Arms Act 1867.                                                            |

SCH.

| Chapter                      | Title or Short Title                                          | Extent of Repeal                                                                                                   |
|------------------------------|---------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| 1 Edw. 8. & 1 Geo. 6. c. 38. | <b>The Ministers of the Crown Act 1937.</b>                   | In section 7(2), the words "or the growing produce thereof".                                                       |
| 1 Edw. 8 & 1 Geo. 6. c. 65.  | <b>The London Naval Treaty Act 1937.</b>                      | The whole Act.                                                                                                     |
| 1 & 2 Geo. 6. c. 67.         | <b>The Supreme Court of Judicature (Amendment) Act 1938.</b>  | In section 4, the words "or the growing produce thereof".                                                          |
| 2 & 3 Geo. 6. c. 38.         | <b>The Ministry of Supply Act 1939.</b>                       | Section 6(3).                                                                                                      |
| 2 & 3 Geo. 6. c. 57.         | <b>The War Risks Insurance Act 1939.</b>                      | In section 16(2), the words "or the growing produce thereof".                                                      |
| 2 & 3 Geo. 6. c. 64.         | <b>The Currency (Defence) Act 1939.</b>                       | In section 1(2), the words from "or the growing produce thereof" onwards.                                          |
| 2 & 3 Geo. 6. c. 117.        | <b>The National Loans Act 1939.</b>                           | In section 2(5), the words "or the growing produce thereof".                                                       |
| 4 & 5 Geo. 6. c. 35.         | <b>The Colonial War Risks Insurance (Guarantee) Act 1941.</b> | In section 1(3), the words "or the growing produce thereof".                                                       |
| 5 & 6 Geo. 6. c. 18.         | <b>The Royal Naval Volunteer Reserve Act 1942.</b>            | The whole Act.                                                                                                     |
| 5 & 6 Geo. 6. c. 29.         | <b>The Allied Powers (War Service) Act 1942.</b>              | The whole Act.                                                                                                     |
| 6 & 7 Geo. 6. c. 36.         | <b>The Emergency Powers (Isle of Man Defence) Act 1943.</b>   | The whole Act.                                                                                                     |
| 7 & 8 Geo. 6. c. 10.         | <b>The Disabled Persons (Employment) Act 1944.</b>            | Section 20(3).                                                                                                     |
| 7 & 8 Geo. 6. c. 21.         | <b>The Pensions (Increase) Act 1944.</b>                      | Section 3(7).                                                                                                      |
| 8 & 9 Geo. 6. c. 5.          | <b>The Representation of the People Act 1945.</b>             | Part II.<br>In section 38, the words "and the expression local government elector shall be construed accordingly". |
| 8 & 9 Geo. 6. c. 18.         | <b>The Local Authorities Loans Act 1945.</b>                  | In section 3(1), the words "or the growing produce thereof".                                                       |
| 9 & 10 Geo. 6. c. 13.        | <b>The Finance (No. 2) Act 1945.</b>                          | In section 48(1), the words "or the growing produce thereof".                                                      |
| 9 & 10 Geo. 6. c. 19.        | <b>The Bretton Woods Agreement Act 1945.</b>                  | In sections 2(1) and (4), the words "or the growing produce thereof".                                              |

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SCH.

| Chapter                  | Title or Short Title                                                | Extent of Repeal                                                                                                                                                                        |
|--------------------------|---------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 9 & 10 Geo. 6.<br>c. 27. | The Bank of England Act 1946.                                       | In Schedule 1, in paragraph 1, the words "or the growing produce thereof".                                                                                                              |
| 9 & 10 Geo. 6.<br>c. 29. | The Agriculture (Artificial Insemination) Act 1946.                 | Section 4(4).                                                                                                                                                                           |
| 9 & 10 Geo. 6.<br>c. 31. | The Ministers of the Crown (Transfer of Functions) Act 1946.        | Section 3(3).                                                                                                                                                                           |
| 9 & 10 Geo. 6.<br>c. 38. | The National Service (Release of Conscientious Objectors) Act 1946. | The whole Act.                                                                                                                                                                          |
| 9 & 10 Geo. 6.<br>c. 40. | The Miscellaneous Financial Provisions Act 1946.                    | In section 1(3), the words "or the growing produce thereof".                                                                                                                            |
| 9 & 10 Geo. 6.<br>c. 41. | The Public Works Loans Act 1946.                                    | In section 1(1), the words "As from the first day of April, nineteen hundred and forty-six", and the words "instead of being appointed by Parliament".<br>In section 1(3), the proviso. |
| 9 & 10 Geo. 6.<br>c. 45. | The United Nations Act 1946.                                        | In section 1(4), the words from "but notwithstanding" onwards.                                                                                                                          |
| 9 & 10 Geo. 6.<br>c. 58. | The Borrowing (Control and Guarantees) Act 1946.                    | In section 2(3), the words "or the growing produce thereof".                                                                                                                            |
| 9 & 10 Geo. 6.<br>c. 59. | The Coal Industry Nationalisation Act 1946.                         | In section 63(1), in the definition of "Consolidated Fund", the words "and includes the growing produce thereof".                                                                       |
| 9 & 10 Geo. 6.<br>c. 68. | The New Towns Act 1946                                              | In section 26(1), in the definition of "Consolidated Fund", the words "and includes the growing produce thereof".                                                                       |
| 9 & 10 Geo. 6.<br>c. 80. | The Atomic Energy Act 1946.                                         | Section 15(3).                                                                                                                                                                          |
| 9 & 10 Geo. 6.<br>c. 81. | The National Health Service Act 1946.                               | Section 75(5).                                                                                                                                                                          |
| 9 & 10 Geo. 6.<br>c. 82. | The Cable and Wireless Act 1946.                                    | In section 3(5), the words "or the growing produce thereof".                                                                                                                            |
| 10 & 11 Geo. 6.<br>c. 9. | The Malta (Reconstruction) Act 1947.                                | In section 1(1), the words "or the growing produce thereof".                                                                                                                            |

SCH.

| Chapter                       | Title or Short Title                                               | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-------------------------------|--------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11 & 12 Geo. 6.<br>c. 2.      | <b>The Jersey and Guernsey (Financial Provisions) Act 1947.</b>    | In section 1, the words " or the growing produce thereof "                                                                                                                                                                                                                                                                                                                                                                            |
| 11 & 12 Geo. 6.<br>c. 30.     | <b>The Lord High Commissioner (Church of Scotland) Act 1948.</b>   | In section 1, the words " or the growing produce thereof "                                                                                                                                                                                                                                                                                                                                                                            |
| 11 & 12 Geo. 6.<br>c. 38.     | <b>The Companies Act 1948</b>                                      | In section 432(1)(a), the words " the Country Bankers Act 1826, the Bankers (Scotland) Act 1826 ".<br>Section 459(9)(a) and (e).                                                                                                                                                                                                                                                                                                      |
| 11 & 12 Geo. 6.<br>c. 46.     | <b>The Employment and Training Act 1948.</b>                       | In section 20(2), the words " or the growing produce thereof "                                                                                                                                                                                                                                                                                                                                                                        |
| 11 & 12 Geo. 6.<br>c. 52.     | <b>The Veterinary Surgeons Act 1948.</b>                           | Section 6(5), (7) and (8).<br>Section 8(1).<br>Section 9(1).<br>Section 11.<br>Section 13.<br>In section 18(1), in its application to Northern Ireland, the words " in accordance with rules of court ", and, in section 18(4), the words from " and for the reference " onwards.<br>Section 29.<br>In section 31(3), the words " the Veterinary Surgeons Amendment Act 1900, the Veterinary Surgeons Act (1881) Amendment Act 1920 " |
| 11 & 12 Geo. 6.<br>c. 60.     | <b>The Development of Inventions Act 1948.</b>                     | In section 11(1), the words " or the growing produce thereof "                                                                                                                                                                                                                                                                                                                                                                        |
| 12, 13 & 14<br>Geo. 6. c. 14. | <b>The Export Guarantees Act 1949.</b>                             | In section 9(2), in the definition of " Consolidated Fund ", the words " and includes the growing produce thereof "                                                                                                                                                                                                                                                                                                                   |
| 12, 13 & 14<br>Geo. 6. c. 20. | <b>The Cinematograph Film Production (Special Loans) Act 1949.</b> | In section 7(1), the words " or the growing produce thereof ".<br>In section 8(1), the words " or the growing produce thereof "                                                                                                                                                                                                                                                                                                       |
| 12, 13 & 14<br>Geo. 6. c. 23. | <b>The Social Services (Northern Ireland Agreement) Act 1949.</b>  | In section 1(2), the words " or the growing produce thereof "                                                                                                                                                                                                                                                                                                                                                                         |
| 12, 13 & 14<br>Geo. 6. c. 50. | <b>The Colonial Loans Act 1949.</b>                                | In section 1(4), the words " or the growing produce thereof "                                                                                                                                                                                                                                                                                                                                                                         |

SCH.

| Chapter                                  | Title or Short Title                                          | Extent of Repeal                                                                                                                                     |
|------------------------------------------|---------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12, 13 & 14<br>Geo. 6. c. 68.            | The Representation of<br>the People Act 1949.                 | In section 20(4), the words "or<br>the growing produce thereof".                                                                                     |
| 12, 13 & 14<br>Geo. 6. c. 77.            | The Armed Forces<br>(Housing Loans) Act<br>1949.              | In section 1(1), the words "or<br>the growing produce thereof".                                                                                      |
| 12, 13 & 14<br>Geo. 6. c. 90.            | The Election Commis-<br>sioners Act 1949.                     | In section 13(2), the words "or<br>out of the growing produce<br>thereof".                                                                           |
| 12, 13 & 14<br>Geo. 6. c. 91.            | The Air Corporations Act<br>1949.                             | In section 10 (2), the words "or<br>the growing produce there-<br>of".                                                                               |
| 14 Geo. 6. c. 21.                        | The Miscellaneous Finan-<br>cial Provisions Act 1950.         | In section 2(1) and (4), the<br>words "or the growing pro-<br>duce thereof".                                                                         |
| 14 Geo. 6. c. 34.                        | The Housing (Scotland)<br>Act 1950.                           | In section 94(2), the words "or<br>the growing produce thereof".                                                                                     |
| 14 & 15 Geo. 6.<br>c. 11.                | The Administration of<br>Justice (Pensions) Act<br>1950.      | In section 25(1), the words "or<br>the growing produce thereof".<br>In Schedule 3, in paragraph 9,<br>the words "or the growing<br>produce thereof". |
| 14 & 15 Geo. 6.<br>c. 48.                | The Dangerous Drugs Act<br>1951.                              | Section 15(4).                                                                                                                                       |
| 15 & 16 Geo. 6<br>& 1 Eliz. 2.<br>c. 2.  | Mr. Speaker Clifton<br>Brown's Retirement Act<br>1951.        | The whole Act.                                                                                                                                       |
| 15 & 16 Geo. 6<br>& 1 Eliz. 2.<br>c. 3.  | The Expiring Laws Con-<br>tinuance Act 1951.                  | The whole Act.                                                                                                                                       |
| 15 & 16 Geo. 6<br>& 1 Eliz. 2.<br>c. 37. | The Civil List Act 1952...                                    | In section 8, the words "or the<br>growing produce thereof".                                                                                         |
| 15 & 16 Geo. 6<br>& 1 Eliz. 2.<br>c. 44. | The Customs and Excise<br>Act 1952.                           | Section 316(6).                                                                                                                                      |
| 15 & 16 Geo. 6<br>& 1 Eliz. 2.<br>c. 47. | The Rating and Valuation<br>(Scotland) Act 1952.              | In section 6(1), the words from<br>"or in appeals" to "1857".                                                                                        |
| 15 & 16 Geo. 6<br>& 1 Eliz. 2.<br>c. 57. | The Marine and Aviation<br>Insurance (War Risks)<br>Act 1952. | In section 5(2), the words "or<br>the growing produce thereof".                                                                                      |
| 1 & 2 Eliz. 2.<br>c. 5.                  | The Expiring Laws Con-<br>tinuance Act 1952.                  | The whole Act.                                                                                                                                       |



SCH.

| Chapter                  | Title or Short Title                           | Extent of Repeal                                                                                                                           |
|--------------------------|------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| 1 & 2 Eliz. 2.<br>c. 15. | <b>The Iron and Steel Act 1953.</b>            | In section 34(1), in the definition of " the Consolidated Fund ", the words " and includes the growing produce thereof ".                  |
| 2 & 3 Eliz. 2.<br>c. 7.  | <b>The Air Corporations Act 1953.</b>          | Section 3.                                                                                                                                 |
| 2 & 3 Eliz. 2.<br>c. 9.  | <b>The Expiring Laws Continuance Act 1953.</b> | The whole Act.                                                                                                                             |
| 2 & 3 Eliz. 2.<br>c. 62. | <b>The Post Office Savings Bank Act 1954.</b>  | In section 19(2), the words " or the growing produce thereof " and, in section 19(3), the words " or out of the growing produce thereof ". |
| 2 & 3 Eliz. 2.<br>c. 63. | <b>The Trustee Savings Banks Act 1954.</b>     | In section 36(2), the words " or the growing produce thereof " and, in section 36(3), the words " or out of the growing produce thereof ". |
| 2 & 3 Eliz. 2.<br>c. 69. | <b>The Expiring Laws Continuance Act 1954.</b> | The whole Act.                                                                                                                             |
| 4 & 5 Eliz. 2.<br>c. 22. | <b>The Expiring Laws Continuance Act 1955.</b> | The whole Act.                                                                                                                             |
| 4 & 5 Eliz. 2.<br>c. 46. | <b>The Administration of Justice Act 1956.</b> | Sections 7(4) and 47(8).<br>In Schedule 1, in Part I, paragraph 7(3).                                                                      |
| 5 & 6 Eliz. 2.<br>c. 4.  | <b>The Expiring Laws Continuance Act 1956.</b> | The whole Act.                                                                                                                             |
| 6 & 7 Eliz. 2.<br>c. 2.  | <b>The Expiring Laws Continuance Act 1957.</b> | The whole Act.                                                                                                                             |
| 6 & 7 Eliz. 2.<br>c. 16. | <b>The Commonwealth Institute Act 1958.</b>    | In section 2(4), the words " and power to hold land without licence in mortmain ".                                                         |
| 7 & 8 Eliz. 2.<br>c. 4.  | <b>The Expiring Laws Continuance Act 1958.</b> | The whole Act.                                                                                                                             |
| 7 & 8 Eliz. 2.<br>c. 22. | <b>The County Courts Act 1959.</b>             | Section 61(2)(d).                                                                                                                          |
| 8 & 9 Eliz. 2.<br>c. 4.  | <b>The Expiring Laws Continuance Act 1959.</b> | The whole Act.                                                                                                                             |
| 8 & 9 Eliz. 2.<br>c. 61. | <b>The Mental Health (Scotland) Act 1960.</b>  | In Schedule 4, the entry relating to the Admiralty (Signal Stations) Act 1815.                                                             |
| 9 & 10 Eliz. 2.<br>c. 4. | <b>The Expiring Laws Continuance Act 1960.</b> | The whole Act.                                                                                                                             |

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SCH.

| Chapter                   | Title or Short Title                    | Extent of Repeal                                                                                                                                                                                                    |
|---------------------------|-----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 9 & 10 Eliz. 2.<br>c. 39. | The Criminal Justice Act 1961.          | In Schedule 4, in the entry relating to section 20 of the Criminal Justice Act 1948, the words from "and in paragraph (b)" onwards.<br>In Schedule 6, in the said section 20 as therein set out, subsection (5)(b). |
| 10 & 11 Eliz. 2.<br>c. 4. | The Expiring Laws Continuance Act 1961. | The whole Act.                                                                                                                                                                                                      |

## 1963 CHAPTER 31

### *Weights and Measures Act 1963*

#### ARRANGEMENT OF SECTIONS

##### PART I

##### UNITS AND STANDARDS OF MEASUREMENT

###### Section

1. Units of measurement.
2. United Kingdom primary standards and authorised copies thereof.
3. Board of Trade secondary, tertiary and coinage standards.
4. Local standards.
5. Working standards and testing and stamping equipment.
6. Testing of other standards and equipment.
7. Commission on Units and Standards of Measurement.
8. Functions of Commission.

##### PART II

##### WEIGHING AND MEASURING FOR TRADE

9. Meaning of "use for trade".
10. Units of measurement, weights and measures lawful for use for trade.
11. Weighing or measuring equipment for use for trade.
12. Approved patterns of equipment for use for trade.
13. General specifications of equipment for use for trade.
14. Regulations relating to weighing or measuring for trade.
15. Offences in connection with stamping of equipment.
16. Other offences in connection with equipment.
17. Evidence of possession of equipment for use for trade.

##### PART III

##### PUBLIC WEIGHING OR MEASURING EQUIPMENT

18. Keepers of public equipment to hold certificate.
19. Provision of public equipment by local authorities.
20. Offences in connection with public equipment.

## PART IV

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## Section

21. Transactions in particular goods.
22. Offences in transactions in particular goods.
23. Quantity to be stated in writing in certain cases.
24. Short weight, etc.
25. Pleading of warranty as defence.
26. Additional defences and safeguards for traders.
27. Offences due to default of third person.
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29. Special powers of inspector with respect to certain goods.
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*Inspectors of weights and measures*

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An Act to make amended provision with respect to weights and measures, and for connected purposes.

[31st July 1963]

**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

### UNITS AND STANDARDS OF MEASUREMENT

1.—(1) The yard or the metre shall be the unit of measurement of length and the pound or the kilogramme shall be the unit of measurement of mass by reference to which any measurement involving a measurement of length or mass shall be made in the United Kingdom ; and—

(a) the yard shall be 0.9144 metre exactly ;

(b) the pound shall be 0.453 592 37 kilogramme exactly.

(2) Schedule 1 to this Act shall have effect for defining for the purposes of measurements falling to be made in the United Kingdom the units of measurement set out in that Schedule ; and for the purposes of any measurement of weight falling to be so made, the weight of any thing may be expressed, by reference to the units of measurement set out in Part V of that Schedule, in the same terms as its mass.

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**PART I**  
**United Kingdom primary standards and authorised copies thereof.**

**2.—(1)** The Board of Trade (in this Act referred to as “the Board”) shall cause to be maintained standards of the yard, pound, metre and kilogramme which shall be the standards (in this Act referred to as “United Kingdom primary standards”) by reference to which, in the United Kingdom, all other standards of those units and of any other unit of measurement derived wholly or partly from any of those units shall be maintained.

**(2)** The Board shall from time to time as may appear to them expedient cause—

**(a)** the value of each of the United Kingdom primary standards to be determined or redetermined, and

**(b)** any authorised copy of any of those standards to be compared with, and its value determined or redetermined by reference to, that standard,

in such manner as the Board may direct.

**(3)** Until other provision is made by an order under section 8 of this Act—

**(a)** the United Kingdom primary standards shall be—

**(i)** in the case of the yard, the bar described in Part I of Schedule 2 to this Act ;

**(ii)** in the case of the pound, the cylinder described in Part II of the said Schedule 2 ;

**(iii)** in the case of the metre, the bar described in Part III of the said Schedule 2 ;

**(iv)** in the case of the kilogramme, the cylinder described in Part IV of the said Schedule 2 ; and

**(b)** the copies of the aforesaid standards of the yard and pound which are described in Part V of the said Schedule 2 and deposited as mentioned in the said Part V shall for the purposes of this Act be authorised copies of those standards.

**Board of Trade secondary, tertiary and coinage standards.**

**3.—(1)** The Board shall maintain secondary, tertiary and coinage standards in accordance with the provisions of this section, which shall be known collectively as the Board of Trade standards.

**(2)** The secondary standards shall consist of standards of all the measures set out in Parts I and IV and all the weights set out in Part V of Schedule 3 to this Act other than capacity measures of more than one gallon or ten litres ; and any such standard shall be constructed, and, while it remains in use, from time to time at intervals not exceeding five years have its value or values redetermined, by reference to such one or more of

the United Kingdom primary standards or any authorised copies thereof as may appear to the Board to be appropriate.

PART I

(3) The tertiary standards shall consist of such standards of such of the measures or weights set out in the said Parts I, IV and V as may from time to time appear to the Board to be necessary or expedient; and any such standard shall be constructed, and, while it remains in use, from time to time at intervals not exceeding two years have its value or values redetermined, by reference to such one or more of the secondary standards as may appear to the Board to be appropriate.

(4) The coinage standards shall consist of such standards of the weight of each coin of the realm for the time being authorised by or under the enactments relating to the coinage as may from time to time appear to the Board to be necessary or expedient; and any such standard shall be constructed, and, while it remains in use, from time to time at intervals not exceeding two years have its value redetermined, by reference to such one or more of the secondary standards as may appear to the Board to be appropriate.

(5) Board of Trade standards shall be provided or replaced by the Board from time to time as may appear to them necessary or expedient and shall be in such form and of such material, and be kept under the control of the Board at such place or places, as the Board may think fit; and a secondary or tertiary standard of any linear or capacity measure may—

(a) be provided either as a separate standard or by means of divisions marked on a standard of a larger measure, and

(b) either be marked in whole or in part with subdivisions representing any smaller unit of measurement or multiples or fractions of such a unit or have no such markings,

as the Board think fit.

(6) Any standard of any such measure, weight or coin as aforesaid provided under section 8 of the Weights and Measures Act 1878 and in use as a Board of Trade standard immediately before the date of commencement of this section shall be deemed for the purposes of this Act to be a secondary or, as the case may be, coinage standard provided under this section; and any other standard of any such measure or weight as aforesaid in use by the Board immediately before the said date constructed, and with its value or values determined, by reference to a Board of Trade standard provided under the said section 8 shall be deemed for the purposes of this Act to be a tertiary standard provided under this section.

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**PART I**  
**Local**  
**standards.**

4.—(1) Subject to section 37 of this Act, there shall be maintained by each local weights and measures authority such standards (in this Act referred to as “local standards”) of such of the measures and weights set out in Schedule 3 to this Act as the Board may from time to time approve or require in the case of that authority as being proper and sufficient for the purposes of this Act.

(2) Local standards shall be provided and replaced by the local weights and measures authority from time to time as may appear to the authority to be necessary or expedient or as the Board may require, shall be of material and form approved by the Board, shall be kept at premises provided by the authority and approved for the purpose by the Board, and shall not be used elsewhere than at those premises or at other premises approved in that behalf by the Board; and a local standard of any linear or capacity measure shall—

- (a) be provided either as a separate standard or by means of divisions marked on a standard of a larger measure, and
- (b) either be marked in whole or in part with subdivisions representing any smaller unit of measurement or multiples or fractions of such a unit or have no such markings,

as the Board may from time to time direct.

(3) No article shall be used as a local standard unless there is for the time being in force a certificate of its fitness for the purpose issued by the Board.

(4) The Board shall cause any article submitted to them for certification under this section to be compared with such one or more of the tertiary standards as may appear to the Board to be appropriate and, if it falls within the prescribed limits of error and satisfies any other requirements of the Board, shall issue a certificate of its fitness for use as a local standard which, if the authority so request, shall include a statement of the amount of any error therein.

(5) A certificate issued under the last foregoing subsection shall not be valid unless it is signed by an officer of the Board authorised in that behalf by the Board, and shall cease to be in force at the expiration of the following period from the date of issue, that is to say—

- (a) if the certificate contains a statement of an error in the standard, two years;
- (b) in the case of any other standard of a weight, five years;
- (c) in the case of any other standard of a measure, ten years;

and the Board shall keep a record of all certificates issued under that subsection.



## PART I

(6) Any comparison of an article with the tertiary standards in pursuance of subsection (4) of this section shall be carried out—

- (a) if the article is not for the time being a local standard, at such place as the Board may direct ; or
- (b) if the article is for the time being a local standard, at the premises where it is kept or at other premises approved in that behalf by the Board.

(7) The Board may demand and take on any occasion on which an article is submitted to them for certification under this section such fee as they may from time to time with the approval of the Treasury determine.

(8) Any standard of a measure or weight included in Schedule 3 to this Act and lawfully in use immediately before the date of commencement of this section as a local standard within the meaning of the Weights and Measures Act 1878 shall be deemed for the purposes of this Act to be a local standard provided under this section ; and an indenture under the said Act of 1878 evidencing the verification or reverification of that standard on a day falling before the date aforesaid shall be deemed for the purposes of this Act to be a certificate under this section issued on that day.

5.—(1) Subject to subsection (2) of this section and to section 37 of this Act, each local weights and measures authority shall provide for use by the inspectors appointed for the authority's area, and maintain or from time to time replace, such standards (in this Act referred to as "working standards") of such of the measures and weights set out in Schedule 3 to this Act, such testing equipment, and such stamping equipment, as the Board may from time to time approve or require as being proper and sufficient for the efficient discharge by those inspectors of their functions in the authority's area.

Working standards and testing and stamping equipment.

(2) If in the case of any particular description of testing equipment and any particular local weights and measures authority the Board are of opinion that, having regard to the expenditure involved and the frequency with which such equipment is likely to be used by inspectors in that authority's area, it would not be reasonable to require such equipment to be provided and maintained by that authority, then, if that authority so request, the Board may instead themselves provide and maintain equipment of that description for hiring by that authority from time to time on such terms as the Board may determine.

(3) Working standards and testing and stamping equipment provided under subsection (1) of this section shall be of material and form approved by the Board and, except so far as may be necessary for the purposes of their use elsewhere, shall be kept

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**PART I**

at premises provided by the local weights and measures authority and approved for the purpose by the Board; and a working standard of a linear or capacity measure shall—

- (a) be provided either as a separate standard or by means of divisions marked on a standard of a larger measure, and
- (b) either be marked in whole or in part with subdivisions representing any smaller unit of measurement or multiples or fractions of such a unit or have no such markings,

as the Board may from time to time direct.

(4) The Board shall by regulations make provision—

- (a) for working standards to be from time to time tested by comparison with, and if necessary adjusted to within such limits of error as may be specified in the regulations by reference to, the local standards or other working standards more recently tested;
- (b) with respect to the testing, adjustment and limits of error of testing equipment provided under subsection (1) of this section;

and no article shall be used by an inspector as a working standard or as such testing equipment unless the relevant requirements of those regulations are for the time being satisfied with respect thereto.

(5) Any working standard or testing or stamping equipment lawfully in use by inspectors of weights and measures immediately before the commencement of this section shall be deemed for the purposes of this Act to have been provided under this section.

Testing of  
other standards  
and equipment.

6.—(1) The Board may, if they think fit, on the application of any government or person, and on payment of such fee as the Board may from time to time with the approval of the Treasury determine, accept for testing as to accuracy and for report—

- (a) any article used or proposed to be used as a standard of a unit of measurement of mass, length, capacity, area or volume or as a standard of the weight of any coin, and
- (b) any weighing or measuring equipment,

submitted by that government or person for the purpose at such place as the Board may direct.

(2) Any report of the Board under the foregoing subsection shall be authenticated by the signature of an officer of the Board authorised in that behalf by the Board.

(3) Such fees shall be payable to the Board under section 20 of the Petroleum (Consolidation) Act 1928 in respect of tests of apparatus under that section as the Board may from time to time with the approval of the Treasury determine; and accordingly in subsection (1) of that section the words "not exceeding twenty shillings," the words "and to be verified", and the words "verified and" in the last two places where those words occur, shall cease to have effect:

## PART I

Provided that no such fee shall exceed fifteen pounds or such higher sum as the Board may by order specify.

7.—(1) There shall be established a Commission on Units and Standards of Measurement with the functions specified in section 8 of this Act. Commission  
on Units and  
Standards of  
Measurement.

(2) The commission shall consist of nine members appointed by the Board, of whom six shall be appointed as follows, that is to say—

- (a) one on the recommendation of the Lord Chancellor;
- (b) two on the recommendation of the Minister for Science;
- (c) one on the recommendation of the Director of the National Physical Laboratory;
- (d) one on the recommendation of the Astronomer Royal;  
and
- (e) one on the recommendation of the President of the Royal Society;

and the Board shall from time to time appoint a chairman of the commission from amongst the persons appointed to be members thereof.

(3) A person shall cease to be a member of the commission five years after the date from which his appointment takes effect, but shall be eligible for re-appointment:

Provided that—

- (a) the Board may terminate the appointment of a member at any time if he has attained the age of seventy years or has, in the opinion of the Board, become unfit to continue or incapable of acting as a member;
- (b) any member may at any time by notice in writing to the Board resign his office.

(4) The Board may pay to the members of the commission such fees and allowances as the Board, with the approval of the Treasury, may determine in the case of those members respectively.

**PART I** (5) The Board may appoint such number of officers and servants of the commission, and pay to them such remuneration, and may defray such expenses incurred by the commission, as the Board may with the approval of the Treasury think proper.

**Functions of Commission.**

8.—(1) The commission established under section 7 of this Act may from time to time, and to such extent as they may be requested by the Board so to do shall, make recommendations to the Board with respect to any of the following matters, that is to say—

- (a) the definition by law of units of measurement of time and of additional units of measurement derived wholly or partly from those of length, mass or time already so defined, the changing of the definition of any unit of measurement for the time being so defined, and the removal of any unit of measurement from the units recognised by law ;
- (b) the provision, replacement, nature, construction, custody, method of storage or place of keeping of United Kingdom primary standards and authorised copies thereof, the conditions under which such standards should be used and the frequency with which their values should be redetermined, and the manner in which and the frequency with which any authorised copies of such standards should be compared with those standards ;
- (c) the method by which the values of the Board of Trade standards of weights should be derived from the United Kingdom primary standards of the pound and the kilogramme ;
- (d) the provision at any government establishment of standards, or standard devices for the representation, of units of measurement derived wholly or partly from the yard, pound, metre or kilogramme in addition to the standards provided for by this Act, the nature, construction, place of keeping, custody and method of storage of any such standards or standard devices, the conditions under which they should be used and the frequency with which their values or, as the case may be, the values they represent should be redetermined ;

and the quorum necessary for any meeting of the commission held for the final settling of a recommendation to the Board shall be six.

(2) Without prejudice to any power to make orders or regulations conferred on the Board by any other provision of this Act, the Board may, if they think fit in the case of any recommendation of the commission, by order make such provision as appears to the Board to be necessary to give effect to that recommendation, and any such order may amend, extend or repeal any provision of this Act or any instrument made thereunder; but, without prejudice to section 10 (10) of this Act, no order under this subsection shall add or remove any unit of measurement to or from any of Parts I to V of Schedule 1 to this Act.

## PART I

(3) The commission shall, not later than five years after their establishment and thereafter from time to time at intervals not exceeding five years, submit to the Board a report on their proceedings, and the Board shall cause a copy of any such report to be laid before each House of Parliament.

(4) The commission may perform any of their functions under this section notwithstanding any vacancy for the time being in the number of the members thereof.

## PART II

## WEIGHING AND MEASURING FOR TRADE

9.—(1) For the purposes of this Act, the expression “use for trade” means, subject to subsection (2) of this section, use in Great Britain in connection with, or with a view to, a transaction for—

Meaning of  
“use for  
trade”.

- (a) the transferring or rendering of money or money's worth in consideration of money or money's worth; or
- (b) the making of a payment in respect of any toll or duty,

where—

- (i) the transaction is by reference to quantity or is a transaction for the purposes of which there is made or implied a statement of the quantity of goods to which the transaction relates; and
- (ii) the use is for the purpose of the determination or statement of that quantity.

(2) The foregoing subsection shall not apply where—

- (a) the determination or statement is a determination or statement of the quantity of goods required for despatch to a destination outside Great Britain and any designated country; and

## PART II

- (b) the transaction is not a sale by retail ; and
- (c) no transfer or rendering of money or money's worth is involved other than the passing of the title to the goods and the consideration therefor.

(3) Any such equipment as follows, that is to say—

- (a) any weighing or measuring equipment which is made available in Great Britain for use by the public, whether on payment or otherwise ; and
- (b) any equipment which is used in Great Britain for the grading by reference to their weight, for the purposes of trading transactions by reference to that grading, of hens' eggs in shell which are intended for human consumption,

shall be treated for the purposes of this Part of this Act as weighing or measuring equipment in use for trade, whether or not it would apart from this subsection be so treated.

Units of measurement, weights and measures lawful for use for trade.

10.—(1) Subject to sections 60 and 62 (1) of this Act, no person shall—

- (a) use for trade any unit of measurement of length, area, volume, capacity, mass or weight which is not included in Schedule 1 to this Act ;
- (b) use for trade, or have in his possession for use for trade, any linear, square, cubic or capacity measure which is not included in Schedule 3 to this Act or any weight which is not so included.

(2) No person shall use the carat (metric) for trade except for the purposes of transactions in precious stones or pearls ; and no person shall use the ounce troy for trade except for the purposes of transactions in, or in articles made from, gold, silver or other precious metals, including transactions in gold or silver thread, lace or fringe.

(3) Without prejudice to subsection (9) of this section, no person shall use the ounce apothecaries, drachm, scruple, fluid drachm or minim for trade otherwise than for the purposes of transactions in drugs.

(4) Save as may be prescribed and subject to any regulations made under section 14 of this Act—

- (a) a linear measure specified in Part I of Schedule 3 to this Act may be marked in whole or in part with divisions and subdivisions representing any shorter length or lengths ;

## PART II

(b) no capacity measure specified in Part IV of the said Schedule 3 shall be used for trade by means of any division or subdivision marked thereon as a capacity measure of any lesser quantity.

(5) Any person who contravenes any of the foregoing provisions of this section shall be guilty of an offence, and any measure or weight used, or in any person's possession for use, in contravention of any of those provisions shall be liable to be forfeited.

(6) The Board may by regulations prescribe what may be treated for the purposes of use for trade as the equivalent of, or of any multiple or fraction of, any unit of measurement included in Schedule 1 to this Act in terms of any other such unit.

(7) Subsection (1) (a) of this section shall not apply to the prescribing of, or the dispensing of a prescription for, drugs, and nothing in any regulations under subsection (6) of this section shall apply to any transaction in drugs; but the Minister of Health and the Secretary of State acting jointly may by regulations made by statutory instrument, which shall have effect notwithstanding anything in, or in any instrument made under, any other enactment—

(a) prescribe what may be treated for the purposes of dealings with drugs as the equivalent of, or of any multiple or fraction of, any unit of measurement which is or at the date of commencement of this section was included in Schedule 1 to this Act in terms of any other such unit;

(b) require that any person carrying out any such dealing with drugs as is specified in the regulations for the purposes of which the quantity of the drugs is expressed in terms of any such unit as aforesaid which is so specified shall carry out that dealing in terms of such equivalent quantity prescribed under paragraph (a) of this subsection as is so specified.

(8) So much of the Schedules to this Act as relates to the bushel, the peck or the pennyweight, that is to say—

(a) in Schedule 1, paragraph 2 of Part IV and paragraph 3 of Part V;

(b) in Schedule 3, paragraph 2 of Part IV and paragraph 4 of Part V,

shall cease to have effect on the expiration of the period of five years beginning with the date of the commencement of this section.

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**PART II**

(9) The following provisions of the Schedules to this Act, being provisions relating to apothecaries weight or measure, that is to say—

(a) in Schedule 1, paragraph 3 of Part IV and paragraph 4 of Part V ;

(b) in Schedule 3, paragraph 3 of Part IV and paragraph 3 of Part V,

shall cease to have effect on such date not earlier than the expiration of the period referred to in the last foregoing subsection as the Board may by order appoint ; and different days may be appointed with respect to such of those provisions as relate to apothecaries weight and apothecaries measure respectively.

(10) The Board may from time to time by order further amend Schedule 1 or 3 to this Act—

(a) by adding to or removing from any of Parts I to V of the said Schedule 1 any unit of measurement of length, of area, of volume, of capacity, or of mass or weight, as the case may be ;

(b) by adding to or removing from any of Parts I to IV of the said Schedule 3 any linear, square, cubic or capacity measure, as the case may be, or by adding to or removing from Part V of the said Schedule 3 any weight ;

but the Board shall not so exercise their powers under this subsection as to cause the exclusion from use for trade of imperial in favour of metric units of measurement, weights and measures.

Weighing or  
measuring  
equipment  
for use  
for trade.

11.—(1) The provisions of this section shall apply to the use for trade of weighing or measuring equipment of such classes or descriptions as may be prescribed.

(2) No person shall use any article for trade as equipment to which this section applies, or have any article in his possession for such use, unless that article, or equipment to which this section applies in which that article is incorporated or to the operation of which the use of that article is incidental, has been passed by an inspector as fit for such use and, except as otherwise expressly provided by or under this Act, bears a stamp indicating that it has been so passed which remains undefaced otherwise than by reason of fair wear and tear ; and if any person contravenes this subsection, he shall be guilty of an offence and any article in respect of which the offence was committed shall be liable to be forfeited.



PART II

(3) Any person requiring any equipment to which this section applies to be passed as fit for use for trade shall submit the equipment to an inspector in such manner as the local weights and measures authority may direct and, subject to the provisions of this Act and of any regulations made under section 14 thereof and to the payment by that person of the prescribed fee, the inspector shall—

- (a) test the equipment by means of such local or working standards and testing equipment as he considers appropriate or, subject to any conditions which may be prescribed, by means of other equipment which has already been tested and which the inspector considers suitable for the purpose ; and
- (b) if the equipment submitted falls within the prescribed limits of error, give to the person submitting it a statement in writing to the effect that it is passed as aforesaid ; and
- (c) except as otherwise expressly provided by or under this Act, cause it to be stamped with the prescribed stamp ;

and each inspector shall keep a record of every such test carried out by him :

Provided that, except as otherwise expressly provided by or under this Act, no weight or measure shall be stamped as mentioned in paragraph (c) of this subsection unless it has been marked in the prescribed manner with its purported value.

(4) Where any equipment submitted to an inspector under subsection (3) of this section is of a pattern in respect of which a certificate of approval granted under section 12 of this Act is for the time being in force, or of such a pattern modified only in a manner for the time being authorised by the Board under that section, the inspector shall not refuse to pass or stamp the equipment on the ground that it is not suitable for use for trade :

Provided that if the inspector is of opinion that the equipment is intended for use for trade for a particular purpose for which it is not suitable, he may refuse to pass or stamp it until the matter has been referred to the Board, and the Board's decision thereon shall be final.

(5) The requirements of subsections (2) and (3) of this section with respect to stamping and marking shall not apply to any weight or measure which is too small to be stamped or marked in accordance with those requirements.

(6) In the case of any equipment which is required by regulations made under section 14 of this Act to be passed and stamped under this section only after it has been installed at the place where it is to be used for trade, if after the equipment has been so passed and stamped it is dismantled and

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**PART II**      reinstalled, whether in the same or some other place, it shall not be used for trade after being so reinstalled until it has been retested by an inspector; and if any person knowingly uses that equipment in contravention of this subsection, or knowingly causes or permits any other person so to use it, or knowing that the equipment is required by virtue of this subsection to be retested disposes of it to some other person without informing him of that requirement, he shall be guilty of an offence and the equipment shall be liable to be forfeited.

(7) Subject to the last foregoing subsection, a stamp applied to any equipment under this section shall have the like validity throughout Great Britain as it has in the place in which it was originally applied, and accordingly that equipment shall not be required to be restamped because it is used in any other place; and any equipment to which this section applies which has been duly stamped before the commencement of this section under any enactment specified in Part I of Schedule 9 to this Act shall be treated for the purposes of this Act as if it had been duly stamped under this section.

(8) Nothing in any local Act passed before this Act shall make unlawful the use for trade as equipment to which this section applies of any article such use of which is not unlawful under this section or require any such article to be stamped otherwise than as required by this section.

(9) If at any time the Board are satisfied that, having regard to the law for the time being in force in Northern Ireland, any of the Channel Islands or the Isle of Man, it is proper so to do, they may by order provide for any equipment to which this section applies duly stamped in accordance with that law, or treated for the purposes of that law as if duly stamped in accordance therewith, to be treated for the purposes of this Act as if it had been duly stamped in Great Britain under this section.

Approved  
patterns of  
equipment  
for use for  
trade.

**12.—**(1) Where any pattern of weighing or measuring equipment is submitted to the Board for the purpose by any person in such manner as may be prescribed, the Board shall, on payment of such fee as the Board may from time to time with the approval of the Treasury determine, examine in such manner as they think fit the suitability for use for trade of equipment of that pattern, having regard in particular to the principle, materials and methods used or proposed to be used in its construction, and if the Board are satisfied that such equipment is suitable for use for trade, then, subject to section 13 (2) of this Act, they shall issue a certificate of approval of that pattern and cause particulars thereof to be published and may from time to time thereafter authorise such minor modifications thereof as they think fit and cause particulars of those modifications to be published:

Provided that the requirements of this subsection as to the publication of the particulars of any pattern or modification

shall not apply where the certificate of approval is issued subject to such a condition as is mentioned in the next following subsection.

## PART II

(2) A certificate of approval under the foregoing subsection may be granted subject to a condition that, except with the consent of the Board, equipment of the pattern in question shall be used for trade only for a specified period or only for a specified purpose; and if any person, knowing that such a condition has been imposed with respect to any equipment, uses, or causes or permits any other person to use, that equipment in contravention of that condition, or disposes of that equipment to any other person in a state in which it could be used for trade without informing that other person of that condition, he shall be guilty of an offence and the equipment shall be liable to be forfeited.

(3) The Board, after consultation with such persons appearing to them to be interested as they think fit, may at any time revoke any certificate or authorisation granted under this section, and shall cause notice of any such revocation to be published; and where the Board so revoke any certificate or authorisation, then if any person, knowing that the certificate or authorisation has been revoked, and save as may be permitted by any fresh certificate or authorisation granted in respect thereof, uses for trade, or has in his possession for such use, or causes or permits any other person so to use, any equipment of the pattern or incorporating the modification in question, or disposes of any such equipment to any other person in a state in which it could be so used without informing that other person of the revocation, he shall be guilty of an offence and the equipment shall be liable to be forfeited.

(4) Any equipment of a pattern in respect of which a certificate of approval has been granted under this section may, and in such cases as may be prescribed shall, be marked in the prescribed manner so as to identify it with the pattern in question.

(5) A certificate granted under section 6 of the Weights and Measures Act 1904 in respect of any pattern of weighing or measuring equipment shall be deemed for the purposes of this Act to be a certificate of approval of that pattern granted under this section.

13.—(1) The Board may by regulations prescribe general specifications for the construction of equipment to which section 11 of this Act applies and, subject to subsection (4) of this section, while any such specification is for the time being so prescribed no equipment which does not conform therewith shall be passed or stamped by an inspector under the said section 11 unless it is of a pattern in respect of which a certificate

General specifications of equipment for use for trade.

**PART II** of approval under section 12 of this Act is in force or of such a pattern modified only in a manner for the time being authorised by the Board under the said section 12.

(2) If the Board are satisfied that any pattern submitted to them under section 12 (1) of this Act conforms with any general specification for the time being prescribed under this section, they may, instead of issuing a certificate of approval under the said section 12 (1), cause to be published a declaration to that effect together with particulars of that pattern.

(3) Where any specification prescribed by regulations under this section is varied or revoked by further regulations thereunder, then if any person uses for trade, or has in his possession for such use, or causes or permits any other person so to use, any equipment which conformed with that specification but which to his knowledge no longer conforms with any specification so prescribed, or disposes of any such equipment to any other person in a state in which it could be so used without informing that other person that it no longer so conforms, he shall be guilty of an offence and the equipment shall be liable to be forfeited.

(4) Where, in the case of any particular equipment, the Board are of opinion that there are special circumstances which make it impracticable or unnecessary for that equipment to comply with any particular requirement of any specification prescribed under this section, the Board may exempt that equipment from that requirement subject to compliance with such conditions, if any, as they think fit; and if any person knowingly contravenes any condition imposed with respect to any equipment by virtue of this subsection, he shall be guilty of an offence and the equipment shall be liable to be forfeited.

(5) If any difference arises between an inspector and any other person as to the interpretation of any specification prescribed under this section, or as to whether or not any equipment conforms with such a specification, that difference may with the consent of that other person, and shall at the request of that other person, be referred to the Board, whose decision shall be final.

Regulations relating to weighing or measuring for trade.

**14.—(1)** The Board may make regulations with respect to—

- (a) the materials and principles of construction of weighing or measuring equipment for use for trade;
- (b) the inspection, testing, passing as fit for use for trade and stamping of such equipment, including—
  - (i) the prohibition of the stamping of such equipment in such circumstances as may be specified in the regulations;

## PART II

(ii) the circumstances in which an inspector may remove or detain any such equipment for inspection or testing ;

(iii) the marking of any such equipment found unfit for use for trade ;

- (c) the circumstances in which, conditions under which and manner in which stamps may be obliterated or defaced ;
- (d) the purposes for which particular types of weighing or measuring equipment may be used for trade ;
- (e) the manner of erection or use of weighing or measuring equipment used for trade ;
- (f) the abbreviations of or symbols for units of measurement which may be used for trade ;
- (g) the manner in which the tare weight of road vehicles, or of road vehicles of any particular class or description, is to be determined ;

and, subject to subsection (3) of this section, if any person contravenes any regulation made by virtue of paragraph (d), (e), (f) or (g) of this subsection, he shall be guilty of an offence, and any weighing or measuring equipment in respect of which the contravention was committed shall be liable to be forfeited.

(2) If any difference arises between an inspector and any other person as to the interpretation of any regulations made under this section or as to the method of testing any weighing or measuring equipment, that difference may with the consent of that other person, and shall at the request of that other person, be referred to the Board, whose decision shall be final.

(3) Where in the special circumstances of any particular case it appears to be impracticable or unnecessary that any requirement of any regulations made under this section should be complied with, the Board may if they think fit dispense with the observance of that requirement subject to compliance with such conditions, if any, as they think fit to impose ; and if any person knowingly contravenes any condition imposed with respect to any equipment by virtue of this subsection he shall be guilty of an offence and the equipment shall be liable to be forfeited.

15.—(1) Any person who in the case of any weighing or measuring equipment used or intended to be used for trade—

- (a) not being an inspector or a person acting under the instructions of an inspector, marks in any manner any plug or seal used or designed for use for the reception of a stamp ; or
- (b) forges, counterfeits or, except as permitted by or under this Act, in any way alters or defaces any stamp ; or
- (c) removes any stamp and inserts it into any other such equipment ; or

Offences in connection with stamping of equipment.

## PART II

(d) makes any alteration in the equipment after it has been stamped such as to make it false or unjust, shall be guilty of an offence:

Provided that paragraphs (a) and (b) of this subsection shall not apply to the destruction or obliteration of any stamp, print or seal in the course of the adjustment or repair of weighing or measuring equipment by, or by the duly authorised agent or a person who is a manufacturer of, or regularly engaged in business of repairing, such equipment.

(2) Any person who uses for trade, sells, or exposes or offers for sale any weighing or measuring equipment which to his knowledge—

(a) bears a stamp which is a forgery or counterfeit, which has been transferred from other equipment, which has been altered or defaced otherwise than permitted by or under this Act; or

(b) is false or unjust as the result of an alteration made in the equipment after it has been stamped, shall be guilty of an offence.

(3) Any weighing or measuring equipment in respect of which an offence under this section is committed, and any stamp or stamping implement used in the commission of the offence shall be liable to be forfeited.

Other offences in connection with equipment.

16.—(1) If any person uses for trade, or has in his possession for use for trade, any weighing or measuring equipment which is false or unjust, he shall be guilty of an offence and the equipment shall be liable to be forfeited.

(2) Without prejudice to the liability of any equipment to be forfeited, it shall be a defence for any person charged with an offence under subsection (1) of this section in respect of the use for trade of any equipment to show—

(a) that he used the equipment only in the course of his employment by some other person; and

(b) that he neither knew, nor might reasonably have been expected to know, nor had any reason to suspect, that the equipment to be false or unjust.

(3) If any fraud is committed in the using of any weighing or measuring equipment for trade, the person committing the fraud and any other person party thereto shall be guilty of an offence and the equipment shall be liable to be forfeited.

Evidence of possession of equipment for use for trade.

17. Where any weighing or measuring equipment is found in the possession of any person carrying on trade or on any premises which are used for trade, that person or, as the case may be, the occupier of those premises shall be deemed for the purposes of this Act, unless the contrary is proved, to have that equipment in his possession for use for trade.

## PART III

## PUBLIC WEIGHING OR MEASURING EQUIPMENT

18.—(1) No person shall attend to any weighing or measuring **Keepers** by means of weighing or measuring equipment available for **of public** use by the public, being a weighing or measuring demanded by **equipment to** a member of the public and for which a charge is made, other **hold certificate.** than a weighing or measuring of a person, unless he holds a certificate from a chief inspector that he has sufficient knowledge for the proper performance of his duties.

(2) Any person refused such a certificate as aforesaid by a chief inspector may appeal against the refusal to the Board, who may if they think fit direct the chief inspector to grant the certificate.

(3) Any person who contravenes, or who causes or permits any other person to contravene, subsection (1) of this section shall be guilty of an offence.

19.—(1) Without prejudice to any powers or duties conferred **Provision** or imposed by any other enactment, any local authority who **of public** are for the time being, or have at any time been, a local weights **equipment by** and measures authority under this Act may provide and maintain **local** within their area for use by the public such weighing or measuring **authorities.** equipment as may appear to the authority to be expedient.

(2) Without prejudice to the provisions of any other Act, and subject to section 18 of this Act, a local authority may employ persons to attend to any weighing or measuring by means of equipment provided by that authority for use by the public.

(3) Except in the case of a weighing or measuring for which, under any other Act, the charge falls to be regulated from time to time by some other person, a local authority by whom any weighing or measuring equipment is provided for use by the public may make such charges for any weighing or measuring by means of that equipment as they may from time to time think fit.

20.—(1) Subsection (2) of this section shall apply where **Offences in** any article, vehicle (whether loaded or unloaded) or animal has **connection** been brought for weighing or measuring by means of weighing **with public** or measuring equipment which is available for use by the public **equipment.** and is provided for the purpose of weighing or measuring articles, vehicles or animals of the description in question.

(2) If any person appointed to attend to weighing or measuring by means of the equipment in question—

(a) without reasonable cause fails to carry out the weighing or measuring on demand ; or

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## PART III

- (b) carries out the weighing or measuring unfairly ; or
- (c) fails to deliver to the person demanding the weighing or measuring or to his agent a statement in writing of the weight or other measurement found ; or
- (d) fails to make a record of the weighing or measuring, including the time and date thereof and, in the case of the weighing of a vehicle, such particulars of the vehicle and of any load thereon as will identify that vehicle and that load,

he shall be guilty of an offence.

(3) If in connection with any such equipment as aforesaid—

- (a) any person appointed to attend to weighing or measuring by means of the equipment delivers a false statement of any weight or other measurement found or makes a false record of any weighing or measuring ; or
- (b) any person commits any fraud in connection with any, or any purported, weighing or measuring by means of that equipment,

he shall be guilty of an offence.

(4) If in the case of a weighing or measuring of any article, vehicle or animal carried out by means of such equipment as aforesaid the person bringing the article, vehicle or animal for weighing or measuring, on being required by the person attending to the weighing or measuring to give his name and address, fails to do so or gives a name or address which is incorrect, he shall be guilty of an offence.

(5) The person making any weighing or measuring equipment available for use by the public shall retain for a period of not less than two years any record of any weighing or measuring by means of that equipment made by any person appointed to attend thereto, and any inspector, subject to the production if so requested of his credentials, may require the first-mentioned person to produce any such record for inspection at any time while it is retained by him ; and if the first-mentioned person fails so to retain or produce any such record, or if any person wilfully destroys or defaces any such record before the expiration of two years from the date when it was made, the person in question shall be guilty of an offence.



## PART IV

## REGULATION OF CERTAIN TRANSACTIONS IN GOODS

**21.**—(1) Schedules 4, 5, 6, 7 and 8 to this Act shall have **effect** for the purposes of transactions in the goods therein **mentioned**. Transactions in particular goods.

(2) The Board may by order make provision with respect to **any goods specified in the order for all or any of the following purposes, that is to say, to ensure that, except in such cases or in such circumstances as may be so specified, the goods in question—**

- (a) are sold only by quantity expressed in such manner as may be so specified ; or
- (b) are pre-packed, or are otherwise made up in or on a container for sale or for delivery after sale, only if the container is marked with such information as to the quantity of the goods as may be so specified ; or
- (c) are sold, or are pre-packed, or are otherwise made up in or on a container for sale or for delivery after sale, or are made for sale, only in such quantities as may be so specified ; or
- (d) are not sold without the quantity sold expressed as aforesaid being made known to the buyer at or before such time as may be so specified ; or
- (e) are sold by means of, or are offered or exposed for sale in, a vending machine only if there is displayed on or in the machine—
  - (i) such information as to the quantity of the goods in question comprised in each item for sale by means of that machine as may be so specified ; and
  - (ii) a statement of the name and address of the seller ; or
- (f) are carried for reward only in pursuance of an agreement made by reference to the quantity of the goods in question expressed as aforesaid ; or
- (g) in such circumstances as may be so specified, have associated therewith in such manner as may be so specified a document containing a statement of the quantity of the goods in question expressed in such manner, and a statement of such other particulars, if any, as may be so specified ; or
- (h) when carried on a road vehicle along a highway are accompanied by a document containing such particulars determined in such manner as may be so specified as to the weight of the vehicle and its load apart from the goods in question.

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(3) An order under subsection (2) of this section may be made with respect to any goods, including goods to which any of the provisions of any of the Schedules aforesaid applies, and may—

- (a) make provision for any of the purposes mentioned in the said subsection (2) in such manner, whether by means of amending, or of applying with or without modifications, or of excluding the application in whole or in part of, any provision of this Act or of any previous order under the said subsection (2) or otherwise,
- (b) make such, if any, different provision for retail and other sales respectively, and
- (c) contain such consequential, incidental or supplementary provision, whether by such means as aforesaid or otherwise,

as may appear to the Board to be expedient, and may in particular make provision in respect of contraventions of the order for which no penalty is provided by this Act for the imposition of penalties not exceeding those provided by section 52 of this Act for an offence under this Act.

(4) The Board may make regulations—

- (a) as to the manner in which any container required by any of the provisions of any of the Schedules aforesaid or of any order under subsection (2) of this section to be marked with information as to the quantity of the goods made up therein is to be so marked ;
- (b) as to the manner in which any information required by any such provision as aforesaid to be displayed on or in a vending machine is to be so displayed ;
- (c) as to the conditions which must be satisfied in marking with information as to the quantity of goods made up therein the container in or on which any goods are made up for sale (whether by way of pre-packing or otherwise) where those goods are goods on a sale of which (whether any sale or a sale of any particular description) the quantity of the goods sold is required by any such provision as aforesaid to be made known to the buyer at or before a particular time ;
- (d) as to the units of measurement to be used in marking any such container or machine as aforesaid with any information as to quantity ;
- (e) for securing, in the case of pre-packed goods, that the container is so marked as to enable the packer to be identified ;
- (f) as to the method by which and conditions under which quantity is to be determined in connection with any information with respect thereto required by or under this section ;

- (g) permitting in the case of such goods and in such circumstances as may be specified in the regulations the weight of such articles used in making up the goods for sale as may be so specified to be included in the net weight of the goods for the purposes of this Act ;

## PART IV

and any person who contravenes any regulation made under this subsection otherwise than by virtue of paragraph (f) or (g) thereof shall be guilty of an offence.

(5) The Board may by order grant and from time to time vary or revoke, with respect to goods or sales of such descriptions as may be specified in the order, exemption, either generally or in such circumstances as may be so specified, from all or any requirements imposed by or under this section ; and, until otherwise provided by such an order, the following shall be exempted from all such requirements, that is to say—

- (a) goods made up in or on a container for sale only for use by Her Majesty's forces or by a visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952 and not sold or offered, exposed or in any person's possession for sale for any other use ;
- (b) any sale of goods in the case of which the buyer gives notice in writing to the seller before the sale is completed that the goods are being bought—
- (i) for despatch to a destination outside Great Britain and any designated country ; or
  - (ii) for use as stores within the meaning of the Customs and Excise Act 1952 in a ship or aircraft on a voyage or flight to an eventual destination outside the United Kingdom and the Isle of Man ;
- (c) any goods sold for, or offered, exposed or in any person's possession for sale only for, use or consumption at the premises of the seller, not being intoxicating liquor ;
- (d) any assortment of articles of food pre-packed together for consumption together as a meal and ready for such consumption without being cooked, heated or otherwise prepared.

22.—(1) Subject to the provisions of this Part of this Act, **in the case of any goods which, when not pre-packed, are required by or under this Act to be sold only by quantity expressed in a particular manner or only in a particular quantity, any person shall be guilty of an offence who—**

- (a) whether on his own behalf or on behalf of another person, offers or exposes for sale, sells or agrees to sell, or

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- (b) causes or suffers any other person to offer or expose for sale, sell or agree to sell on his behalf,

those goods otherwise than by quantity expressed in that manner or, as the case may be, otherwise than in that quantity.

(2) Subject to the provisions of this Part of this Act, in the case of any goods required by or under this Act to be pre-packed, or to be otherwise made up in or on a container for sale or for delivery after sale, or to be made for sale, only in particular quantities, or to be pre-packed, or to be otherwise made up as aforesaid, only if the container is marked with particular information, any person shall be guilty of an offence who—

- (a) whether on his own behalf or on behalf of another person, has in his possession for sale, sells or agrees to sell, or
- (b) except in the course of carriage of the goods for reward, has in his possession for delivery after sale, or
- (c) causes or suffers any other person to have in his possession for sale or for delivery after sale, sell or agree to sell on behalf of the first-mentioned person,

any such goods pre-packed, otherwise made up as aforesaid or made otherwise than in that quantity or otherwise than in or on a container so marked, as the case may be, whether the sale is, or is to be, by retail or otherwise.

(3) Subject to the provisions of this Part of this Act, in the case of any sale where the quantity of the goods sold expressed in a particular manner is required by or under this Act to be made known to the buyer at or before a particular time and that quantity is not so made known, the person by whom, and any other person on whose behalf, the goods were sold shall be guilty of an offence.

(4) Subject to the provisions of this Part of this Act, where any goods required by or under this Act to be sold by means of, or to be offered or exposed for sale in, a vending machine only if certain requirements are complied with are so sold, offered or exposed without those requirements being complied with, the seller or person causing the goods to be so offered or exposed shall be guilty of an offence.

Quantity to be stated in writing in certain cases.

23.—(1) Subject to subsection (4) of this section, the provisions of this section shall have effect on any sale of goods—

- (a) which is required by or under this Act to be a sale by quantity expressed in a particular manner; or
- (b) in the case of which the quantity of the goods sold expressed in a particular manner is required by or under this Act to be made known to the buyer at or before a particular time; or

(c) which, being a sale by retail not falling within either of the foregoing paragraphs, is, or purports to be, a sale by quantity expressed in a particular manner other than by number.

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(2) Subject to subsection (3) of this section, unless the quantity of the goods sold expressed in the manner in question is made known to the buyer at the premises of the seller and the goods are delivered to the buyer at those premises on the same occasion as, and at or after the time when, that quantity is so made known to him, a statement in writing of that quantity shall be delivered to the consignee at or before delivery of the goods to him; and if this subsection is contravened, then, subject to the provisions of this Part of this Act, the person by whom, and any other person on whose behalf, the goods were sold shall be guilty of an offence:

Provided that—

- (a) if at the time when the goods are delivered the consignee is absent, it shall be sufficient compliance with this subsection if the said document is left at some suitable place at the premises at which the goods are delivered;
- (b) this subsection shall not apply to any sale otherwise than by retail where, by agreement with the buyer, the quantity of the goods sold is to be determined after their delivery to the consignee.

(3) Where any liquid goods are sold by capacity measurement and the quantity sold is measured at the time of delivery and elsewhere than at the premises of the seller, the last foregoing subsection shall not apply but, unless the quantity by capacity measurement of the goods sold is measured in the presence of the buyer, the person by whom the goods are delivered shall immediately after the delivery hand to the buyer, or if the buyer is not present leave at some suitable place at the premises at which the goods are delivered, a statement in writing of the quantity by capacity measurement delivered, and if without reasonable cause he fails so to do he shall be guilty of an offence.

(4) The Board may by order grant and from time to time vary or revoke, with respect to goods or sales of such descriptions as may be specified in the order, exemption, either generally or in such circumstances as may be so specified, from all or any of the requirements of this section; and, until otherwise provided by such an order, nothing in subsections (1) to (3) of this section shall apply to—

(a) a sale by retail from a vehicle of—

- (i) any of the following in a quantity not exceeding two hundredweight, that is to say, any solid fuel within the meaning of Schedule 6 to this Act, and wood fuel;

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- (ii) any of the following in a quantity not exceeding five gallons, that is to say, liquid fuel, lubricating oil, and any mixture of such fuel and oil ;
- (b) a sale by retail of bread within the meaning of Part IV of Schedule 4 to this Act ;
- (c) goods made up for sale (whether by way of pre-packing or otherwise) in or on a container marked with a statement in writing with respect to the quantity of the goods expressed in the manner in question, being a container which is delivered with the goods ;
- (d) a sale of goods in the case of which a document stating the quantity of the goods expressed in the manner in question is required to be delivered to the buyer or consignee of the goods by or under any other provision of this Act ;
- (e) any such goods or sales as are mentioned in section 21 (5) (a) to (d) of this Act ;
- (f) a sale of intoxicating liquor for consumption at the premises of the seller ;
- (g) a sale by means of a vending machine ; or
- (h) goods delivered at premises of the buyer by means of an installation providing a connection of a permanent nature between those premises and premises of the seller.

Short weight,  
etc.

24.—(1) Subject to the provisions of this Part of this Act, any person who, in selling or purporting to sell any goods by weight or other measurement or by number, delivers or causes to be delivered to the buyer a lesser quantity than that purported to be sold or than corresponds with the price charged shall be guilty of an offence.

(2) Subject to the provisions of this Part of this Act, any person who, on or in connection with the sale or purchase of any goods, or in exposing or offering any goods for sale, or in purporting to make known to the buyer thereof the quantity of any goods sold, or in offering to purchase any goods, makes any misrepresentation either by word of mouth or otherwise as to the quantity of the goods, or does any other act calculated to mislead a person buying or selling the goods as to the quantity thereof, shall be guilty of an offence.

(3) If, in the case of any goods pre-packed in or on a container marked with a statement in writing with respect to the quantity of the goods, the quantity of the goods is at any time found to be less than that stated, then, subject to the provisions of this Part of this Act and in particular to section 26 (2), any person who has those goods in his possession for sale, and (if it is shown that the deficiency cannot be accounted for by anything occurring after the goods had been sold by retail and delivered to, or

to a person nominated in that behalf by, the buyer) any person by whom or on whose behalf those goods have been sold or agreed to be sold at any time while they were pre-packed in or on the container in question, shall be guilty of an offence.

(4) If—

(a) in the case of a sale of or agreement to sell any goods which, not being pre-packed, are made up for sale or for delivery after sale in or on a container marked with a statement in writing with respect to the quantity of the goods ; or

(b) in the case of any goods which, in connection with a sale or agreement for the sale thereof, have associated therewith a document containing such a statement as aforesaid,

the quantity of the goods is at any time found to be less than that stated, then, if it is shown that the deficiency cannot be accounted for by anything occurring after the goods had been delivered to, or to a person nominated in that behalf by, the buyer, and subject to the provisions of this Part of this Act and in particular to section 26 (2) and (3) and paragraph 10 of Schedule 5, the person by whom, and any other person on whose behalf, the goods were sold or agreed to be sold shall be guilty of an offence.

(5) Subsections (3) and (4) of this section shall have effect notwithstanding that the quantity stated is expressed to be the quantity of the goods at a specified time falling before the time in question, or is expressed with some other qualification of whatever description, except where—

(a) that quantity is so expressed in pursuance of an express requirement of this Act or any instrument made thereunder ; or

(b) the goods, although falling within subsection (3) or subsection (4) (a) of this section—

(i) are not required by or under this Act to be pre-packed as mentioned in the said subsection (3) or, as the case may be, to be made up for sale or for delivery after sale in or on a container only if the container is marked as mentioned in the said subsection (4) (a) ; and

(ii) are not goods on a sale of which (whether any sale or a sale of any particular description) the quantity sold is required by or under any provision of this Act other than section 23 to be made known to the buyer at or before a particular time ; or

(c) the goods, although falling within subsection (4) (b) of this section, are not required by or under this Act to have associated therewith such a document as is mentioned in that provision.

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(6) In any case to which, by virtue of paragraph (a), (b) or (c) of subsection (5) of this section, the provisions of subsection (3) or (4) of this section do not apply, if it is found at any time that the quantity of the goods in question is less than that stated and it is shown that the deficiency is greater than can be reasonably justified on the ground justifying the qualification in question, then, subject to the provisions of this Part of this Act—

(a) in the case of goods such as are mentioned in the said subsection (3), if it is further shown as mentioned in that subsection, then—

(i) where the container in question was marked in Great Britain, the person by whom, and any other person on whose behalf, the container was marked ;  
or

(ii) where the container in question was marked outside Great Britain, the person by whom, and any other person on whose behalf, the goods were first sold in Great Britain,

shall be guilty of an offence ;

(b) in the case of goods such as are mentioned in the said subsection (4), the person by whom, and any other person on whose behalf, the goods were sold or agreed to be sold shall be guilty of an offence if, but only if, he would, but for the said paragraph (a), (b) or (c), have been guilty of an offence under the said subsection (4).

(7) Without prejudice to subsections (4) to (6) of this section, if in the case of any goods required by or under this Act to have associated therewith a document containing particular statements, that document is found to contain any such statement which is materially incorrect, any person who, knowing or having reasonable cause to suspect that statement to be materially incorrect, inserted it or caused it to be inserted in the document, or used the document for the purposes of this Act or any instrument made thereunder while that statement was contained therein, shall be guilty of an offence.

(8) For the purposes of this section, any statement, whether oral or in writing, as to the weight of any goods shall be deemed, unless otherwise expressed, to be a statement as to the net weight of the goods.

(9) Nothing in this section shall apply—

(a) in relation to any such goods or sales as are mentioned in section 21 (5) (a) or (b) of this Act ;

(b) in relation to the sale of goods with a view to their industrial or constructional use, except—

(i) where the sale in question is or would be one which is required by or under this Act to be made



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only by quantity expressed in a particular manner or in the case of which the quantity of the goods sold is required by or under any provision of this Act other than section 23 to be made known to the buyer at or before a particular time ; or

(ii) where the goods are pre-packed or otherwise made up in or on a container for sale or for delivery after sale and are goods such as are required by or under this Act to be pre-packed, or to be otherwise so made up, as the case may be, only if the container is marked with an indication of quantity or only in particular quantities ; or

(iii) where the goods are goods such as are required by or under this Act to be made for sale only in particular quantities.

**25.—**(1) Subject to the provisions of this section, in any proceedings for an offence under this Part of this Act or any instrument made thereunder, being an offence relating to the quantity or pre-packing of any goods, it shall be a defence for the person charged to prove—

Pleading of  
warranty as  
defence.

(a) that he bought the goods from some other person—

(i) as being of the quantity which the person charged purported to sell or represented, or which was marked on any container or stated in any document to which the proceedings relate ; or

(ii) as conforming with the statement marked on any container to which the proceedings relate, or with the requirements with respect to the pre-packing of goods of this Act and any instrument made thereunder,

as the case may require ; and

(b) that he so bought the goods with a written warranty from that other person that they were of that quantity or, as the case may be, did so conform ; and

(c) that at the time of the commission of the offence he had no reason to believe the statement contained in the warranty to be inaccurate, that he did in fact believe in its accuracy and, if the warranty was given by a person who at the time he gave it was resident outside Great Britain and any designated country, that the person charged had taken reasonable steps to check the accuracy of that statement ; and

(d) in the case of proceedings relating to the quantity of any goods, that he took all reasonable steps to ensure that, while in his possession, the quantity of the goods remained unchanged and, in the case of such or any

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other proceedings, that apart from any change in their quantity the goods were at the time of the commission of the offence in the same state as when he bought them.

(2) A warranty shall be a defence in such proceedings as aforesaid only if, not later than three days before the date of the hearing, the person charged has sent to the prosecutor a copy of the warranty with a notice stating that he intends to rely on it and specifying the name and address of the person from whom the warranty was received, and has also sent a like notice to that person.

(3) Where the person charged is a servant of a person who, if he had been charged, would have been entitled to plead a warranty as a defence under this section, subsection (1) of this section shall have effect as if any reference (however expressed) in paragraphs (a) to (d) thereof to the person charged, other than the first such reference in paragraph (c) thereof, were a reference to his employer.

(4) The person by whom the warranty is alleged to have been given shall be entitled to appear at the hearing and to give evidence.

(5) If the person charged in any such proceedings as aforesaid wilfully attributes to any goods a warranty given in relation to any other goods, he shall be guilty of an offence.

(6) A person who, in respect of any goods sold by him in respect of which a warranty might be pleaded under this section, gives to the buyer a false warranty in writing shall be guilty of an offence unless he proves that when he gave the warranty he took all reasonable steps to ensure that the statements contained therein were, and would continue at all relevant times to be, accurate.

(7) Where in any such proceedings as aforesaid the person charged relies successfully on a warranty given to him or to his employer, any proceedings under the last foregoing subsection in respect of the warranty may, at the option of the prosecutor, be taken either before a court having jurisdiction in the place where the first-mentioned proceedings were taken or before a court having jurisdiction in the place where the warranty was given.

(8) For the purposes of this section, any statement with respect to any goods which is contained in any document required by or under this Act to be associated with the goods or in any invoice, and, in the case of goods made up in or on a container for sale or for delivery after sale, any statement with respect to those goods with which that container is marked, shall be deemed to be a written warranty of the accuracy of that statement.

**26.—(1)** In any proceedings for an offence in respect of any goods under this Part of this Act or any instrument made thereunder, it shall be a defence for the person charged to prove—

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Additional  
defences and  
safeguards  
for traders.

(a) that the commission of the offence was due to a mistake, or to an accident or some other cause beyond his control; and

(b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence in respect of those goods by himself or any person under his control.

**(2)** In any proceedings for an offence under this Part of this Act or any instrument made thereunder by reason of the quantity—

(a) of any goods made up for sale or for delivery after sale (whether by way of pre-packing or otherwise) in or on a container marked with an indication of quantity; or

(b) of any goods which, in connection with a sale or agreement for the sale thereof, have associated therewith a document purporting to state the quantity of the goods; or

(c) of any goods required by or under this Act to be pre-packed, or to be otherwise made up in or on a container for sale or for delivery after sale, or to be made for sale, only in particular quantities,

being less than that marked on the container or stated in the document in question or than the relevant particular quantity, as the case may be, it shall be a defence for the person charged to prove that the deficiency arose—

(i) in a case falling within paragraph (a) of this subsection, after the making up of the goods and the marking of the container;

(ii) in a case falling within paragraph (b) of this subsection, after the preparation of the goods for delivery in pursuance of the sale or agreement and after the completion of the document;

(iii) in a case falling within paragraph (c) of this subsection after the making up or making, as the case may be, of the goods for sale,

and was attributable wholly to factors for which reasonable allowance was made in stating the quantity of the goods in the marking or document or in making up or making the goods for sale, as the case may be.

**(3)** In the case of a sale by retail of food, not being food pre-packed in a container which is, or is required by or under

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this Act to be, marked with an indication of quantity, in any proceedings for an offence under this Part of this Act or any instrument made thereunder by reason of the quantity delivered to the buyer being less than that purported to be sold, it shall be a defence for the person charged to prove that the deficiency was due wholly to unavoidable evaporation or drainage since the sale and that due care and precaution were taken to minimise any such evaporation or drainage.

(4) Without prejudice to any defence under subsection (2) or (3) of this section, in any proceedings for such an offence in respect of any goods as is mentioned in the said subsection (2) it shall not be a defence under subsection (1)(a) of this section for the person charged to prove that the commission of the offence was due to some cause beyond his control if that cause was one which should reasonably have been foreseen and for which allowance could reasonably have been made in stating the quantity of the goods or in making up or making the goods, as the case may be.

(5) If in any proceedings for an offence under this Part of this Act or any instrument made thereunder, being an offence in respect of any deficiency in the quantity of any goods sold, it is shown that between the sale and the discovery of the deficiency the goods were with the consent of the buyer subjected to treatment which could result in a reduction in the quantity of those goods for delivery to, or to any person nominated in that behalf by, the buyer, the person charged shall not be found guilty of that offence unless it is shown that the deficiency cannot be accounted for by the subjecting of the goods to that treatment.

(6) In any proceedings for an offence under this Part of this Act or any instrument made thereunder, being an offence in respect of any excess in the quantity of any goods, it shall be a defence for the person charged to prove that the excess was attributable to the taking of measures reasonably necessary in order to avoid the commission of an offence in respect of a deficiency in those or other goods.

(7) If proceedings for an offence under this Part of this Act or any instrument made thereunder in respect of any deficiency or excess in the quantity—

- (a) of any goods made up for sale (whether by way of pre-packing or otherwise) in or on a container marked with an indication of quantity ;
- (b) of any goods which have been pre-packed or otherwise made up in or on a container for sale or for delivery after sale, or which have been made for sale, and

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which are required by or under this Act to be pre-packed, or to be otherwise so made up, or to be so made, as the case may be, only in particular quantities,

are brought with respect to any article, and it is proved that, at the time and place at which that article was tested, other articles of the same kind, being articles which, or articles containing goods which, had been sold by the person charged or were in that person's possession for sale or for delivery after sale, were available for testing, the person charged shall not be convicted of such an offence with respect to that article unless a reasonable number of those other articles was also tested; and in any proceedings for such an offence the court—

- (i) if the proceedings are with respect to one or more of a number of articles tested on the same occasion, shall have regard to the average quantity in all the articles tested;
- (ii) if the proceedings are with respect to a single article, shall disregard any inconsiderable deficiency or excess; and
- (iii) shall have regard generally to all the circumstances of the case.

**27.**—(1) A person against whom proceedings are brought for an offence under this Part of this Act or any instrument made thereunder shall, upon information duly laid by him and on giving to the prosecutor not less than three clear days' notice of his intention to avail himself of the provisions of this subsection, be entitled to have brought before the court in those proceedings any other person to whose act or default he alleges that the commission of the offence was due; and if, after the offence has been proved, the original defendant proves that the commission thereof was due to an act or default of that other person—

Offences due to default of third person.

- (a) that other person may be convicted of the offence; and
- (b) if the original defendant further proves that he exercised all due diligence to avoid the commission of the offence by him or any person under his control, the original defendant shall be acquitted of the offence.

(2) Where a defendant seeks to avail himself of the provisions of the foregoing subsection—

- (a) the prosecutor, as well as the person whom the defendant charges with the offence, shall have the right to cross-examine the defendant, if he gives evidence, and any witness called by the defendant in support of his plea, and to call rebutting evidence;

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(b) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

(3) The foregoing provisions of this section shall not apply to Scotland, but if any person who is charged with such an offence as aforesaid in Scotland proves to the satisfaction of the court that he exercised all due diligence to secure that the offence in question was not committed, and that the offence was due to an act or default of some other person who committed it without his consent or connivance or wilful default, he shall be acquitted of the offence.

(4) Where it appears to any authority by or on behalf of whom proceedings for such an offence as aforesaid may be instituted that such an offence has been committed by some person, and that authority is reasonably satisfied that the offence was due to an act or default of some other person and that the first-mentioned person could establish a defence under subsection (1) or (3) of this section, that authority may take or authorise the taking of proceedings against that other person without first taking or authorising the taking of proceedings against the first-mentioned person; and in any such proceedings that other person may be charged with, and, on proof that the commission of the offence was due to his act or default, be convicted of, the offence with which the first-mentioned person might have been charged.

(5) Where by virtue of subsection (4) of this section a person is charged with an offence with which some other person might have been charged, the reference in section 26 (7) of this Act to articles or goods sold by or in the possession of the person charged shall be construed as a reference to articles or goods sold by or in the possession of that other person.

Offences  
originating  
in certain  
countries  
outside Great  
Britain.

28.—(1) Where proceedings are brought against any person for an offence under this Part of this Act or any instrument made thereunder and it is proved—

- (a) that the commission of the offence was due to an act or default of some other person which took place in a designated country; and
- (b) that the person charged took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by him or any person under his control,

then, subject to subsection (2) of this section, the person charged shall be acquitted of the offence; and if it is proved as mentioned in paragraph (a) of this subsection, then, whether or not the person charged is acquitted, the court shall cause notice of the proceedings to be sent to the Board.

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(2) The person charged shall not be entitled to be acquitted under this section unless within seven days from the date of the service of the summons on him he has given notice in writing to the prosecutor of his intention to rely on the provisions of this section, specifying the name and address of the person to whose act or default he alleges that the commission of the offence was due, and has sent a like notice to that person; and that person shall be entitled to appear at the hearing and to give evidence.

29.—(1) Subject to subsection (3) of this section, where any person—

- Special powers of inspector with respect to certain goods.
- (a) makes in any manner any representation as to the quantity of any goods offered or exposed for sale by him; or
  - (b) has in his possession or charge awaiting or in the course of delivery to the buyer any goods which have been sold or agreed to be sold, and the sale is, or purports to be, or is required by or under this Act to be, by quantity expressed in a particular manner, or is such that the quantity of the goods sold is required by or under any provision of this Act other than section 23 to be made known to the buyer at or before a particular time; or
  - (c) has in his possession or charge for sale, or awaiting or in the course of delivery to a buyer after they have been sold or agreed to be sold, any goods pre-packed or otherwise made up in or on a container for sale or for delivery after sale which are required by or under this Act to be pre-packed, or to be otherwise so made up, as the case may be, only in particular quantities or only if the container is marked with particular information, or any goods pre-packed in or on a container marked with an indication of quantity, or any goods required by or under this Act to be made for sale only in particular quantities,

the powers of an inspector under section 48 of this Act shall include power to require that person either to do in the presence of the inspector, or to permit the inspector to do, all or any of the following things, that is to say—

- (i) weigh or otherwise measure or count the goods;
- (ii) weigh any container in or on which the goods are made up;
- (iii) if necessary for the purposes of either of the two last foregoing paragraphs, break open any such container

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**PART IV**

or open any vending machine in which the goods are offered or exposed for sale,

and, in the case of any of the goods which are not already sold, power to require that person to sell any of them to the inspector.

(2) Where the container of any pre-packed goods is broken open under subsection (1) of this section and all requirements of, and of any instrument made under, this Act which are applicable to those goods are found to have been complied with, then, if the container can be resealed without injury to the contents, the inspector may reseat it with a label certifying that all such requirements have been complied with or, if he does not so reseat it or it cannot be so resealed without injury to the contents, shall at the request of the person aforesaid buy the goods on behalf of the local weights and measures authority.

(3) The powers conferred by subsection (1) of this section shall not be exercisable in relation to milk within the meaning of Part V of Schedule 4 to this Act except while the milk is on premises for the time being registered in pursuance of Milk and Dairies Regulations made under the Food and Drugs Act 1955 or in pursuance of section 7 of the Milk and Dairies (Scotland) Act, 1914; and nothing in subsection (1) (a), (b) or (c) of this section shall apply in relation to the sale of goods with a view to their industrial or constructional use except in such a case as is specified in section 24 (9) (b) (i), (ii) or (iii) of this Act.

**Powers of inspector with respect to certain documents.**

**30.—**(1) An inspector, subject to the production if so requested of his credentials, may require the person in charge of any document required by or under this Act to be associated with any goods to produce that document for inspection.

(2) If the inspector has reasonable cause to believe that any document produced to him under the foregoing subsection contains any inaccurate statement, he may either—

(a) seize and detain the document, giving in exchange therefor a copy thereof with an endorsement signed by him certifying that the original has been seized and giving particulars of any inaccuracy alleged; or

(b) without prejudice to any proceedings which may be taken by reason of any inaccuracy alleged, make thereon an endorsement signed by him giving particulars of any such inaccuracy:

and, save where the context otherwise requires, any reference in this Act to any such document shall be deemed to include a reference to a copy thereof given in pursuance of paragraph (a) of this subsection.



## PART IV

(3) Where, in the case of any goods being carried on a road vehicle, the whole of the vehicle's load is being carried for, or for delivery after, sale to the same person, and any document produced in pursuance of subsection (1) of this section by the person in charge of the vehicle purports, or is required by or under this Act, to state the quantity of the goods, then, for the purpose of the exercise of his powers under section 29 (1) of this Act, the inspector may do all or any of the following things, that is to say—

- (a) require the goods to which the document relates to be unloaded from the vehicle ;
- (b) require the vehicle to be taken to the nearest suitable and available weighing or measuring equipment ;
- (c) require the person in charge of the vehicle to have it check-weighed :

Provided that the powers conferred by this subsection shall be exercised only to such extent as may appear to the inspector reasonably necessary in order to secure that the provisions of this Act and any instrument made thereunder are duly observed.

31. Where any road vehicle is loaded with goods for sale by weight to a single buyer of the whole of the vehicle's load, or for delivery to the buyer after they have been so sold, the buyer or seller of the goods, or any inspector who shows that he is authorised so to do by the buyer or seller of the goods, may require the person in charge of the vehicle to have it check-weighed, and if that person fails without reasonable cause to comply with any such requirement he shall be guilty of an offence.

Check-weighing of certain road vehicles.

32. A local weights and measures authority shall have power to make, or to authorise an inspector to make on their behalf, such purchases of goods as may appear expedient for the purpose of determining whether or not the provisions of this Act and any instrument made thereunder are being complied with.

Power to make test purchases.

33.—(1) Where any goods are required by or under this Act to be sold only by quantity expressed in a particular manner—

Selling by quantity, making quantity known, and weighing in presence.

- (a) it shall be a sufficient compliance with that requirement in the case of any sale of, or agreement to sell, any such goods if the quantity of the goods expressed in the manner in question is made known to the buyer before the purchase price is agreed ;

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(b) no person shall be guilty of an offence under section 22 (1) of this Act by reason of the exposing or offering for sale of such goods at any time if both the quantity of the goods expressed in the manner in question and the price at which they are exposed or offered for sale are made known at that time to any prospective buyer.

(2) For the purposes of this Act and any instrument made thereunder, without prejudice to any other method of making known to a person the quantity of any goods expressed in a particular manner, that quantity shall be deemed to be made known to that person—

- (a) if the goods are weighed or otherwise measured or counted, as the case may require, in the presence of that person ; or
- (b) if the goods are made up in or on a container marked with a statement in writing of the quantity of the goods expressed in the manner in question and the container is readily available for inspection by that person ; or
- (c) upon such a statement in writing being delivered to that person.

(3) Where the Board by order provide that this subsection is to apply, in the case of such goods in such circumstances as are specified in the order, to any requirement so specified of, or of any instrument made under, this Act with respect to the making known to the buyer of the quantity by weight of such goods sold by retail, then, in any case to which the order applies, that requirement shall be deemed to be satisfied if the goods are bought at premises at which weighing equipment of such description as may be prescribed—

- (a) is kept available by the occupier of those premises for use without charge by any prospective buyer of such goods for the purpose of weighing for himself any such goods offered or exposed for sale by retail on those premises ; and
- (b) is so kept available in a position on those premises which is suitable and convenient for such use of the equipment ; and
- (c) is reserved for use for that purpose at all times while those premises are open for retail transactions,

and a notice of the availability of the equipment for such use is displayed in a position on the premises where it may be readily seen by any such prospective buyer.

(4) For the purposes of this Act and any instrument made thereunder, a person shall not be deemed to weigh or otherwise measure or count any goods in the presence of any other person unless he causes any equipment used for the purpose to be so placed, and so conducts the operation of weighing or otherwise measuring or counting the goods, as to permit that other person a clear and unobstructed view of the equipment, if any, and of the operation, and of any indication of quantity given by any such equipment as the result of that operation.

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## PART V

## LOCAL ADMINISTRATION

*Local weights and measures authorities*

34.—(1) Subject to section 35 of this Act, the provisions of this section shall have effect with respect to local weights and measures authorities in England and Wales.

(2) The council of each county or county borough shall be the local weights and measures authority for that county or borough except, in the case of a county, for any part thereof for which, by virtue of subsection (3), (4) or (5) of this section or by virtue of the said section 35, some other authority are for the time being the local weights and measures authority.

(3) If immediately before the commencement of this section the local authority within the meaning of the Weights and Measures Act 1878 for any area were the council of a non-county borough, then, without prejudice to subsections (4), (5) and (6) of this section, that council shall be the local weights and measures authority for that area until the end of—

(a) 31st March 1965 ; or

(b) if the council make representations under and in accordance with subsection (5) of this section, 31st March 1967 :

Provided that, if the Board require further time to consider any such representations made by a particular borough council, the Board may from time to time, by notice in writing to that council and to the council of the county in which the borough is situated, direct that in relation to that borough council this subsection shall have effect as if for the reference to the year 1967 there were substituted a reference to such later year as may be specified in the notice ; but no such notice shall have effect unless it is given before—

(i) 1st April 1966 ; or

(ii) if a notice under this proviso is already in force with respect to that borough council, 1st April in the year immediately preceding that specified in that notice.

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(4) If on any qualifying day the estimated population of any non-county borough or urban district is sixty thousand or more and before the expiration of the designated period the council of that borough or district resolve that they be the local weights and measures authority therefor and send a copy of that resolution to the Board and to the council of the county in which the borough or district is situated, then, without prejudice to subsection (6) of this section, the council of that borough or district shall be the local weights and measures authority therefor on and after 1st April in the second year after the year in which that qualifying day falls, whether or not at any time after that qualifying day the population of that borough or district falls below sixty thousand.

(5) If—

(a) on the first qualifying day the estimated population of any non-county borough or urban district is less than sixty thousand, but before the expiration of the designated period the council of that borough or district make representations in writing to the Board and to the council of the county in which the borough or district is situated that the council of the borough or district should become the local weights and measures authority therefor or, as the case may be, that the council of the borough should continue to be the local weights and measures authority either for the whole of the area for which, by virtue of subsection (3) of this section, they are for the time being that authority or for so much of that area as lies within the borough ; or

(b) not later than 30th June 1964 the council of any rural district make representations in writing to the Board and to the council of the county in which the district is situated that the council of the district should become the local weights and measures authority therefor,

and the Board are satisfied, after consultation with the council of the said county, that there are special circumstances which make it proper to agree with those representations, the Board may—

(i) in the case of a council who are not for the time being a local weights and measures authority, by order made not later than 31st March 1966, direct that the council shall be the local weights and measures authority for the borough or district in question as from 1st April 1967 ;

(ii) in the case of a council who are for the time being the local weights and measures authority for any area, by

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order made not later than 31st March 1966, direct that the council shall continue on and after 1st April 1967 to be the local weights and measures authority either for the whole of that area, or, if the Board think fit, only for so much thereof as lies within the borough in question ;

and, without prejudice to the next following subsection, any such order shall have effect accordingly :

Provided that, in the application of paragraph (ii) of this subsection to a borough council with respect to whom a notice under the proviso to subsection (3) of this section is for the time being in force, references in this subsection to the years 1967 and 1966 shall be construed as references respectively to the year specified in that notice and the year immediately preceding that so specified.

(6) Without prejudice to their rights under subsection (4) of this section, the council of any non-county borough or urban or rural district who are for the time being, or are by virtue of subsection (4) or (5) of this section to become, the local weights and measures authority for any area may at any time by agreement with the council of the county in which that area is situated cease to be, or be relieved of the obligation to become, the local weights and measures authority for that area on such date and on such terms as may be specified in the agreement ; and a copy of any such agreement shall be sent forthwith by the council of the borough or district to the Board.

(7) In this section—

“qualifying day” means 30th June in 1963 or any fifth year thereafter, or, in relation to a non-county borough or urban district which is newly constituted by, or of which the population is increased by virtue of, an order under section 23, 24 or 29 of the Local Government Act 1958, in the year (not being earlier than 1963) next after the year in which that order came into operation ;

“estimated population”, in relation to any area and any qualifying day, means the population of that area on that day according to the first estimate thereof made and published by the Registrar General for England and Wales after that day ;

“designated period”, in relation to any qualifying day and any area, means the period of six months beginning with the date of first publication of the estimate containing the estimated population of that area on that day.

(8) The foregoing provisions of this section shall have effect notwithstanding anything to the contrary in any charter of

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incorporation granted before the commencement of this section in the case of a borough, or any scheme confirmed in connection with the grant of such a charter, under Part VI of the Local Government Act 1933 or Part XI of the Municipal Corporations Act 1882.

Local weights and measures authorities in special areas.

**35.**—(1) As respects any part of the metropolitan region (that is to say, the area for the time being excluded by section 17 (1) of the Local Government Act 1958 from review by the Local Government Commission for England)—

- (a) section 34 of this Act shall not apply; and
- (b) until such date as may be appointed as respects that part under paragraph (c) of this subsection, the authority who, immediately before the commencement of the said section 34, were acting as respects that part as a local authority for the purposes of the Weights and Measures Act 1878 or were party to an agreement as respects that part under section 52 of that Act for all or any of those purposes shall be the local weights and measures authority for that part; and
- (c) the Board may by order, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, direct that, as from such date as may be appointed by the order, the local weights and measures authority for such area consisting of or including that part shall be such authority as may be specified in the order.

(2) The council of the Isles of Scilly shall be the local weights and measures authority for those islands unless some other authority is for the time being designated for the purpose by an order under section 292 of the Local Government Act 1933.

(3) The Board, after consultation with any local weights and measures authority appearing to them to be concerned, may by order provide that the area of any local weights and measures authority specified in the order shall, for the purposes of their functions as such an authority, be deemed to include such area consisting of inland waters or of territorial waters of the United Kingdom adjacent to any part of Great Britain as may be so specified, being an area which would otherwise not fall within the area of any local weights and measures authority.

Local weights and measures authorities in Scotland.

**36.** In Scotland, the council of a county or large burgh within the meaning of the Local Government (Scotland) Act 1947 shall be the local weights and measures authority for that county or burgh, and any small burgh within the meaning of that Act shall for the purposes of this section be included in the county in which it is situated.

37.—(1) Any two or more local weights and measures authorities may at any time by agreement in writing, and whether in the manner provided by section 91 of the Local Government Act 1933 or section 119 of the Local Government (Scotland) Act 1947 or otherwise, combine or make other arrangements in common for the purposes of all or any of their functions under this Act or any enactment falling to be repealed thereby or under the Cran Measures Act 1908, and with respect to all or any part or parts of their respective areas, upon such terms as may be specified in the agreement.

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Power for local weights and measures authorities to combine.

(2) Where any agreement is entered into under this section, the parties thereto shall cause a copy of the agreement to be sent forthwith to the Board and shall also cause notice in writing to be given to the Board of any variation from time to time made in the agreement and, if the agreement ceases to have effect, of its cessation.

(3) Save where the agreement in question otherwise provides, and without prejudice to any power to enter into a new agreement under this section, any agreement made under this section shall cease to have effect if any of the parties thereto ceases to be a local weights and measures authority.

(4) Any agreement made under section 52 of the Weights and Measures Act 1878 and in force immediately before the date of commencement of this section shall be deemed for the purposes of this Act to have been made under this section and, for the purposes of subsection (2) of this section, to have been made on the said date.

38.—(1) Each local weights and measures authority shall, in respect of each financial year of the authority, make to the Board by such date as the Board may direct a report on the operation during that year of the arrangements made to give effect in that authority's area to the purposes of this Act or any enactment falling to be repealed thereby; and any report under this subsection shall be in such form and contain such particulars of such matters as the Board may direct:

Annual reports by local weights and measures authorities.

Provided that where two or more local weights and measures authorities have entered into an agreement made or deemed to have been made under section 37 of this Act with respect to all their functions under this Act and any enactment falling to be repealed thereby, then, in respect of any financial year during the whole of which that agreement was in operation, those authorities may make a joint report to the Board for the purposes of this subsection.

(2) Any report made to the Board under the foregoing subsection may be published by the local weights and measures authority or authorities by whom it is made; and the Board may

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**PART V** include the whole or any part of, or any information contained in, any such report, whether published as aforesaid or not, in any statement which may be made or published by the Board with respect to such arrangements as aforesaid either generally or in any particular area.

**Inspection of and inquiries into local weights and measures arrangements.**

**39.**—(1) The Board may from time to time cause an inspection to be made of, or of any part of, any such arrangements as are mentioned in section 38 of this Act, and any such inspection shall be carried out by an officer of the Board authorised in that behalf by the Board who may—

- (a) examine any equipment or records kept in connection with those arrangements ;
- (b) require any inspector having duties under those arrangements to give such assistance and information as the officer may reasonably specify ; and
- (c) make reasonable inquiries of any person who appears to the officer likely to be able to give him information concerning the operation of those arrangements.

(2) The officer by whom any inspection under the foregoing subsection is made shall report the results thereof in writing to the Board, and the Board shall send a copy of that report to any local weights and measures authority concerned and to any chief inspector responsible for the operation of all or any of the arrangements inspected ; and the Board may, if they think fit, publish any such report in whole or in part.

(3) Where in the case of any area—

- (a) a complaint is made to the Board that all or any of the functions conferred by this Act or any enactment falling to be repealed thereby on local weights and measures authorities are not being properly discharged in that area ; or
- (b) the Board are of opinion that an investigation should be made as to whether all or any of the said functions are being properly discharged in that area,

the Board may cause a local inquiry to be held into the matter, and the person appointed to hold the inquiry shall report the results thereof in writing to the Board, who shall publish the report together with such observations, if any, as they think fit to make thereon.

(4) In relation to any inquiry under subsection (3) of this section which is held in England or Wales, subsections (2), (3) and (5) of section 290 of the Local Government Act 1933 (which relate to the giving of evidence at, and the defraying of the costs of, certain local inquiries in England or Wales) and, if but only if the Board in any particular case so direct,



subsection (4) of that section (which relates to the defraying of any costs incurred by a department causing such an inquiry to be held) shall apply as if the inquiry were held under subsection (1) of that section and as if the expression "department" therein included the Board.

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(5) In relation to any inquiry under subsection (3) of this section which is held in Scotland, subsections (2) to (9) of section 355 of the Local Government (Scotland) Act 1947 (which relate to the holding of certain local inquiries in Scotland) shall apply as if the inquiry were held under subsection (1) of that section and as if the expression "Minister" therein included the Board.

**40.**—(1) In England and Wales, in respect of any period during which the council of any non-county borough or urban or rural district are acting as a local weights and measures authority or are a party to any agreement made or deemed to have been made under section 37 of this Act, any expenditure incurred for the purposes of this Act or any enactment falling to be repealed thereby or of the Cran Measures Act 1908 by the council of the county in which that borough or district is situated shall be treated as incurred for special county purposes and that borough or district shall not be chargeable therewith.

Expenses of  
authorities and  
compensation  
of officers.

(2) The Board shall by regulations provide for the payment by such authority as may be prescribed by or determined under the regulations, but subject to such exceptions or conditions as may be so prescribed, of compensation to any officer of a local authority (hereafter in this subsection referred to as "the employing authority") who suffers, or who has since the commencement of this Part of this Act suffered, loss of employment or loss or diminution of emoluments which is attributable—

(a) to the employing authority's ceasing by virtue of any provision of this Part of this Act to be the local weights and measures authority for the whole or part of the authority's area ; or

(b) to any agreement entered into by the employing authority under section 37 of this Act ;

and any such regulations 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.

(3) Where an authority ceases to be the local weights and measures authority for any part of the metropolitan region within the meaning of section 35 (1) of this Act by reason of—

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- (a) that authority's ceasing to exist by virtue of an Act providing for the reorganisation of local government in that region, being an Act passed after, or during the same session as, this Act ; or
- (b) an order by the Board under section 35 (1) (c) of this Act directing that an authority established by such an Act as aforesaid shall be the local weights and measures authority for that part,

compensation shall not be payable by virtue of regulations under subsection (2) of this section to any person in respect of any loss of employment or loss or diminution of emoluments in respect of which compensation is payable to that person under that Act.

*Inspectors of weights and measures*

Inspectors of  
weights and  
measures.

41.—(1) Subject to section 37 of this Act, each local weights and measures authority shall from time to time appoint from among persons holding certificates of qualification under section 42 of this Act, and reasonably remunerate, a chief inspector of weights and measures and such number of other inspectors of weights and measures, if any (who may, if the authority so desire, include a deputy chief inspector) as may be necessary for the efficient discharge in the authority's area of the functions conferred or imposed on inspectors by or under this Act or any enactment falling to be repealed thereby.

(2) Subject to section 37 of this Act, any person appointed as aforesaid shall hold office during the pleasure of the authority by whom he was appointed, and notice of any such person's appointment to or ceasing to hold an office under this section shall, within one month of its occurrence, be given by that authority to the Board.

(3) A chief inspector shall be responsible to the local weights and measures authority for the custody and maintenance of the local standards, working standards and testing and stamping equipment provided for the area for which he was appointed and generally for the operation of the arrangements made to give effect in that area to the purposes of this Act or any enactment falling to be repealed thereby.

(4) A deputy chief inspector may perform any functions of the chief inspector for the area for which he was appointed in any case where it appears to the local weights and measures authority to be desirable or necessary in the interests of the efficient operation of the arrangements aforesaid to authorise him so to do, and when so authorised shall have all the powers of a chief inspector.

**42.—**(1) The Board shall provide for the holding of examinations for the purpose of ascertaining whether persons possess sufficient skill and knowledge for the proper performance of the functions of an inspector, and for the grant of certificates of qualification to persons who pass such examinations. **PART V**  
Certificate of qualification to act as inspector.

(2) The Board shall not grant a certificate of qualification to any person while he is under twenty-one years of age.

(3) There shall be charged in respect of any such examination as aforesaid such fees as the Board may from time to time with the approval of the Treasury determine.

**43.—**(1) The arrangements made by a local weights and measures authority to give effect in their area to the purposes of this Act may include the provision under the supervision of the chief inspector for their area of a service for the adjustment of weights and measures, but not of other weighing or measuring equipment; and where such a service is so provided the authority shall charge such fees in connection therewith as may be prescribed; but except by way of the adjustment of weights and measures—  
Performance by inspectors of additional functions.

(a) during the period of two years beginning with the date of commencement of this section; and

(b) with the express authority in writing of the Board,

no person holding office as an inspector who is employed in the inspection of weighing or measuring equipment for the purposes of its use for trade shall also undertake, whether as part of such a service as aforesaid or otherwise, the adjustment for those purposes of weighing or measuring equipment of any description.

(2) Without prejudice to the powers and duties of local weights and measures authorities or inspectors under any other provision of this Act, a local weights and measures authority may make arrangements whereby an inspector may, at the request of any person and subject to payment by that person of such fee, if any, as the authority may think fit, carry out and submit to that person a report on—

(a) a weighing or other measurement of any goods submitted for the purpose by that person at such place as the authority may direct or approve;

(b) a test of the accuracy of any weighing or measuring equipment so submitted.

**44.—**(1) No discount, commission or rebate of any kind in respect of any fees chargeable by an inspector shall be given, nor any allowance made, by any inspector or local weights **Inspectors' fees.**

## PART V

and measures authority for assistance rendered by any person, whether by way of permitting the use of premises, tools, machinery or instruments or otherwise howsoever, in the inspection, testing or stamping of weighing or measuring equipment except where that assistance is rendered by a manufacturer of such equipment, in which case such adequate and reasonable allowance may be made as the local weights and measures authority may with the consent of the Board agree.

(2) Every inspector shall, at such times as the local weights and measures authority may direct, account for and pay over to that authority or as they may direct all fees taken by him for the performance of any of his duties.

Offences in connection with office of inspector.

**45.**—(1) Any inspector who—

- (a) stamps any weighing or measuring equipment in contravention of any provision of this Act or of any instrument made thereunder or without duly testing it; or
- (b) save as permitted by or under section 43 (1) of this Act derives any profit from, or is employed in, the making, adjusting or selling of weighing or measuring equipment; or
- (c) knowingly commits any breach of any duty imposed on him by or under this Act or any enactment falling to be repealed thereby or otherwise misconducts himself in the execution of his office,

shall be guilty of an offence.

(2) Subject to section 46 of this Act, if any person who is not an inspector acts or purports to act as an inspector he shall be guilty of an offence.

Transitional provisions as to inspectors.

**46.**—(1) Any person who, immediately before the date of commencement of section 41 of this Act, was an inspector of weights and measures appointed under section 43 of the Weights and Measures Act 1878 shall be deemed for the purposes of this Act to have been appointed under the said section 41, and any certificate of qualification granted to any person under section 8 of the Weights and Measures Act 1904 shall be deemed to be a certificate granted under section 42 of this Act; and, subject to subsection (2) of this section, any reference in any enactment passed before the date aforesaid to an inspector of weights and measures shall be construed as a reference to an inspector within the meaning of this Act.

(2) Where immediately before the date aforesaid any person, not being an inspector of weights and measures, was a person—

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- (a) appointed under any of the provisions of Part II of the Weights and Measures Act 1889 to act for any of the purposes of that provision for which such an inspector could act ; or
- (b) appointed under section 13 (3) of the Sale of Food (Weights and Measures) Act 1926 to act on behalf of such an inspector for any of the purposes of that Act ; or
- (c) appointed under any local Act regulating the sale of coal in a burgh or county in Scotland to act for any of the purposes of that Act for which such an inspector could act,

nothing in this Act shall prevent that person from acting, with the sanction of the local weights and measures authority, for those purposes or the corresponding purposes of this Act ; and so far as may be necessary for the purposes of his so acting—

- (i) references in this Act other than in section 48 (3) to an inspector or in the said Act of 1889 or 1926 to an inspector of weights and measures shall be construed as including references to any such person when so acting ; and
- (ii) in relation to any such person when so acting, any reference in this Act to his credentials shall be construed as a reference to written authority for him so to act granted by the local weights and measures authority ;

but no person shall be appointed as mentioned in paragraph (c) of this subsection after the commencement of section 41 of this Act.

#### *General administrative regulations*

47. The Board may make regulations with respect to the manner of the performance by local weights and measures authorities and inspectors of their functions under this Act or any enactment falling to be repealed thereby. General administrative regulations.

### PART VI

#### MISCELLANEOUS AND GENERAL

48.—(1) Subject to the production if so requested of his credentials, an inspector may, within the area for which he was appointed inspector, at all reasonable times— General powers of inspection and entry.

- (a) inspect and test any weighing or measuring equipment which is, or which he has reasonable cause to believe to be, used for trade or in the possession of any person or upon any premises for such use ;

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(b) inspect any goods to which any of the provisions of this Act or any instrument made thereunder for the time being applies or which he has reasonable cause to believe to be such goods ;

(c) enter any premises at which he has reasonable cause to believe there to be any such equipment or goods as aforesaid, not being premises used only as a private dwelling-house.

(2) Subject to the production if so requested of his credentials, an inspector may at any time within the area aforesaid seize and detain—

(a) any article which he has reasonable cause to believe is liable to be forfeited under this Act, and

(b) any document displayed with any goods offered or exposed for sale which relates to the price or quantity of the goods and which the inspector has reason to believe may be required as evidence in proceedings under this Act.

(3) If a justice of the peace, on sworn information in writing—

(a) is satisfied that there is reasonable ground to believe that any such equipment, goods, articles or documents as are mentioned in subsection (1) or (2) of this section are on any premises, or that any offence under this Act or any instrument made thereunder has been, is being or is about to be committed on any premises ; and

(b) is also satisfied either—

(i) that admission to the premises has been refused, or a refusal is apprehended, and that notice of the intention to apply for a warrant has been given to the occupier ; or

(ii) that an application for admission, or the giving of such a notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier temporarily absent,

the justice may by warrant under his hand, which shall continue in force for a period of one month, authorise an inspector to enter the premises, if need be by force.

In the application of this subsection to Scotland, the expression “a justice of the peace” shall be construed as including the sheriff.

(4) An inspector entering any premises by virtue of this section may take with him such other persons and such equipment as may appear to him necessary ; and on leaving any

premises which he has entered by virtue of a warrant under the last foregoing subsection, being premises which are unoccupied or the occupier of which is temporarily absent, he shall leave them as effectively secured against trespassers as he found them.

## PART VI

(5) If any inspector or other person who enters any work-place by virtue of this section discloses to any person any information obtained by him in the work-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.

(6) In exercising his functions under this Act or any instrument made thereunder at any mine of coal, mine of stratified ironstone, mine of shale or mine of fire-clay, an inspector shall so exercise those functions as not to impede or obstruct the working of the mine.

(7) Nothing in this Act shall authorise any inspector to stop any vehicle on a highway.

49.—(1) Any person who—

Obstruction  
of inspectors.

- (a) wilfully obstructs an inspector acting in the execution of this Act or any instrument made thereunder ; or
- (b) wilfully fails to comply with any requirement properly made of him by an inspector under section 29 or 30 of this Act ; or
- (c) without reasonable cause fails to give to any inspector acting as aforesaid any other assistance or information which the inspector may reasonably require of him for the purposes of the performance by the inspector of his functions under this Act or any instrument made thereunder,

shall be guilty of an offence.

(2) If any person, in giving to an inspector any such information as is mentioned in the foregoing subsection, gives any information which he knows to be false, he shall be guilty of an offence.

(3) Nothing in this section shall be construed as requiring a person to answer any question or give any information if to do so might incriminate him.

50.—(1) Where an offence under, or under any instrument made under, this Act or any enactment falling to be repealed thereby which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of

Offences by  
corporations.

S\*

**PART VI** that offence and shall be liable to be proceeded against and punished accordingly.

(2) In the foregoing subsection, the expression "director", in relation to any body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by the members thereof, means a member of that body corporate.

**Prosecution of offences.**

**51.**—(1) In England and Wales, proceedings for any offence under this Act or any instrument made thereunder shall not be instituted except by or on behalf of a local weights and measures authority or the chief officer of police for a police area.

(2) Proceedings for an offence under any provision contained in, or having effect by virtue of, Part IV of this Act, other than proceedings for an offence under section 25 (6) or proceedings by virtue of section 27 (4), shall not be instituted—

(a) unless there has been served on the person charged notice in writing of the date and nature of the offence alleged and, where the proceedings are in respect of one or more of a number of articles of the same kind tested on the same occasion, of the results of the tests of all those articles ; or

(b) except where the person charged is a street trader, unless the said notice was served before the expiration of the period of fifteen days beginning with the date aforesaid ; or

(c) after the expiration of the period of three months beginning with the date aforesaid.

(3) Such a notice as is mentioned in subsection (2) (a) of this section may be served on any person 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, in the case of a company, at the company's registered office.

**Penalties.**

**52.**—(1) Any person guilty of an offence under any of the following provisions of this Act, that is to say, sections 10 (5), 11 (2), 11 (6), 12 (2), 12 (3), 13 (3), 13 (4), 14 (1), 14 (3), 18 (3), 20 (2), 20 (4), 20 (5), 31 and 49 (1), paragraphs 4 and 5 of Schedule 5 and paragraph 20 (2) of Schedule 6, shall be liable on summary conviction to a fine not exceeding twenty pounds.

(2) Any person guilty of an offence under any provision of this Act other than those mentioned in the foregoing subsection shall be liable on summary conviction to a fine not exceeding one hundred pounds (or, in the case of a second or any subsequent offence under the same provision, two hundred and fifty pounds), or to imprisonment for a term not exceeding three months, or to both.



**53.**—(1) Where in any proceedings for an offence under this Act or any instrument made thereunder any question arises as to the accuracy of any weighing or measuring equipment, the court shall at the request of any party to the proceedings, and may if it thinks fit without any such request, refer the question to the Board, whose decision shall be final.

PART VI  
Determination  
of certain  
questions  
by Board.

(2) Except where in any particular proceedings the Board waive their rights under this subsection, any expenses incurred by the Board in making any test for the purpose of determining any question referred to them under the foregoing subsection shall be paid by such of the parties to the proceedings as the court may by order direct.

**54.**—(1) Any power to make orders or regulations conferred on the Board by this Act shall be exercisable by statutory instrument, and any such order or regulations may make different provision for different circumstances.

Regulations  
and orders.

(2) Before making any order under any of the following provisions of this Act, that is to say, sections 10 (9), 10 (10), 21 (2), 21 (5), 23 (4), 33 (3) and 62 (1), paragraph 11 of Schedule 5, paragraph 2 (3) of Schedule 6 and paragraph 4 of Part II of Schedule 7, the Board shall consult with, and consider any representations with respect to the subject-matter of the order made to the Board by, such organisations as appear to the Board to be representative of interests substantially affected by the order.

(3) No order shall be made under any of the following provisions of this Act, that is to say—

- (a) any of the provisions mentioned in subsection (2) of this section ;
- (b) the proviso to section 6 (3) ;
- (c) section 8 (2),

unless a draft thereof has been laid before, and approved by a resolution of, each House of Parliament.

(4) An order made by the Board under any of the following provisions of this Act, that is to say—

- (a) any of the provisions mentioned in subsection (2) of this section other than section 10 (9) ;
- (b) the proviso to section 6 (3) ;
- (c) sections 8 (2), 11 (9), 35 (3) and 60 (3) ;
- (d) in Schedule 1, paragraphs 2 of Part I, 4 of Part IV, 5 of Part V and 1 of Part VI,

may be varied or revoked by a subsequent order made under the same provision.

**PART VI**

(5) Any statutory instrument containing regulations made under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**Board to report to Parliament.**

55. The Board shall from time to time, and in any event not less than once in every five years, lay before each House of Parliament a report of their proceedings under this Act or any enactment falling to be repealed thereby.

**Discharge of functions of Board.**

56. Anything required or authorised by or under this Act or any enactment falling to be repealed thereby to be done by, to or before the Board may be done by, to or before the President of the Board, any Minister of State with duties concerning the affairs of the Board, any secretary, under-secretary or assistant secretary of the Board, or any person authorised in that behalf by the President of the Board.

**Application to Crown.**

57.—(1) Her Majesty may by Order in Council provide for the application to the Crown of such of the provisions of this Act or of any instrument made thereunder as may be specified in the Order, with such exceptions, adaptations and modifications as may be so specified.

(2) Without prejudice to the generality of the foregoing subsection, an Order under this section may make special provision for the enforcement of any provisions applied by the Order, and, in particular, as to the person liable to be proceeded against for any offence under any such provision.

(3) An Order made under this section may be varied or revoked by a subsequent Order so made, and any statutory instrument containing an Order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**Interpretation.**

58.—(1) Save where the context otherwise requires, in this Act the following expressions have the following meanings respectively, that is to say—

“ the Board ” means the Board of Trade ;

“ Board of Trade standards ” means the secondary, tertiary and coinage standards maintained by the Board under section 3 of this Act ;

“ capacity measurement ” means measurement in terms of a unit of measurement included in Part IV of Schedule 1 to this Act ;

“ check-weighed ”, in relation to any vehicle, means weighed with its load by means of the nearest suitable and available weighing equipment, and weighed again after it has been unloaded by means of the same or other suitable weighing equipment ;

## PART VI

- “constructional use”, in relation to any goods, means the use of those goods in constructional work (or, if the goods are explosives within the meaning of the Explosives Acts 1875 and 1923, in mining, quarrying or demolition work) in the course of the carrying on of a business ;
- “container” includes any form of packaging of goods for sale as a single item, whether by way of wholly or partly enclosing the goods or by way of attaching the goods to, or winding the goods round, some other article, and in particular includes a wrapper or confining band ;
- “contravention”, in relation to any requirement, includes a failure to comply with that requirement, and cognate expressions shall be construed accordingly ;
- “county”, in relation to England and Wales, means an administrative county ;
- “credentials” in relation to an inspector means, subject to section 46 (2) of this Act, authority in writing from a person who is for the time being a justice of the peace (or, in Scotland, either the sheriff or a justice of the peace) for the exercise by that inspector of powers conferred on inspectors by this Act ;
- “designated country” in any provision of this Act means such, if any, of the following countries, that is to say, Northern Ireland, any of the Channel Islands and the Isle of Man, as the Board, having regard to the law for the time being in force in that country, thinks it proper to designate for the purposes of that provision by order ; and any such order may be varied or revoked by the Board by a subsequent order ;
- “drugs” and “food” have the same meanings respectively as for the purposes of the Food and Drugs Act 1955 or, in Scotland, the Food and Drugs (Scotland) Act 1956 ;
- “gross weight”, in relation to any goods, means the aggregate weight of the goods and any container in or on which they are made up ;
- “indication of quantity”, in relation to any container in or on which goods are made up, means a statement in writing to the effect that those goods are of, or of not less than, a specified quantity by net weight, gross weight or other measurement or by number, as the case may require ;
- “industrial use”, in relation to any goods, means the use of those goods in the manufacture of, or for incorporation in, goods of a different description in the course of the carrying on of a business ;

## PART VI

- “ inspector ” and “ chief inspector ” mean, subject to section 46 of this Act, an inspector of weights and measures appointed under section 41 of this Act or, as the case may be, a chief inspector of weights and measures so appointed ;
- “ international definition ”, in relation to any unit of measurement, means the definition of that unit recognised by the General Conferences of Weights and Measures from time to time convened by the International Bureau of Weights and Measures ;
- “ intoxicating liquor ” has the same meaning as for the purposes of the Customs and Excise Act 1952 ;
- “ local standard ” means a standard maintained under section 4 of this Act ;
- “ local weights and measures authority ”, in relation to any functions under this Act of any such authority which are for the time being the subject of an agreement made or deemed to have been made under section 37 of this Act, includes the authority by whom those functions fall to be exercised under the agreement ;
- “ mark ” includes label ;
- “ occupier ”, in relation to any stall, vehicle, ship or aircraft or in relation to the use of any place for any purpose, means the person for the time being in charge of the stall, vehicle, ship or aircraft or, as the case may be, the person for the time being using that place for that purpose ;
- “ premises ”, except in section 33 (3) of this Act, includes any place and any stall, vehicle, ship or aircraft ;
- “ pre-packed ” means made up in advance ready for retail sale in or on a container ; and on any premises where articles of any description are so made up, or are kept or stored for sale after being so made up, any article of that description found made up in or on a container shall be deemed to be pre-packed unless the contrary is proved ; and it shall not be sufficient proof of the contrary to show that the container has not been marked in accordance with the requirements of this Act or any instrument made thereunder with respect to the pre-packing of such articles ;
- “ prescribed ” means prescribed by the Board by regulations ;
- “ secondary standard ” means a standard maintained by virtue of section 3 (2) of this Act ;
- “ ship ” includes any boat and any other description of vessel used in navigation ;

## PART VI

- “stamp” means a mark for use as evidence of the passing of weighing or measuring equipment as fit for use for trade, whether applied by impressing, casting, engraving, etching, branding, or otherwise howsoever, and cognate expressions shall be construed accordingly;
- “tertiary standard” means a standard maintained by virtue of section 3 (3) of this Act;
- “testing equipment” means testing equipment maintained under section 5 of this Act;
- “United Kingdom primary standard” means a standard maintained under section 2 of this Act;
- “weighing or measuring equipment” means equipment for measuring in terms of length, area, volume, capacity, weight or number, whether or not the equipment is constructed to give an indication of the measurement made or other information determined by reference to that measurement;
- “working standard” means a standard maintained under section 5 of this Act.

## (2) Save where the context otherwise requires—

- (a) any reference in this Act to any person, other than a reference to an inspector, shall be construed as a reference to that person or some other person acting on his behalf in the matter in question;
- (b) references in this Act to any enactment shall be construed as references to that enactment as amended, extended or applied by or under any other enactment, including any enactment contained in this Act.

## 59. In the Customs and Excise Act 1952—

- (a) in sections 146 (6) and 148 (4) (which relate to the sale by wholesale and retail respectively of intoxicating liquor) for the words “if bottled, one dozen reputed quart bottles” there shall be substituted the words “one case”, and for the words “if bottled, two dozen reputed quart bottles” there shall be substituted the words “two cases”; and
- (b) in section 307 (1) (which relates to interpretation), after the paragraph beginning “British spirits” there shall be inserted the following paragraph—

“‘case’, in relation to intoxicating liquor, means one dozen units each consisting of a container holding not less than twenty-three nor more than twenty-eight fluid ounces, or the equivalent of that number of such units made up wholly or partly of containers of a larger or smaller size”.

Abolition  
of reputed  
quart.

**PART VI**  
**Saving for**  
**cran measures.**

**60.—(1)** Save as expressly provided by or under this Act, nothing in this Act shall affect the operation of the following enactments (which relate to cran and quarter cran measures), that is to say—

- (a) section 13 of the Herring Fishery (Scotland) Act 1815;
- (b) section 4 of the Herring Fishery (Scotland) Act 1889;
- (c) the Branding of Herrings (Northumberland) Act 1891; and
- (d) the Cran Measures Act 1908.

(2) Without prejudice to section 37 of this Act, any reference in the said Act of 1908 to the local authority shall be construed as a reference to the local weights and measures authority and, for the purposes of that Act, the jurisdiction of that authority shall extend to the sea adjoining their area and within the exclusive fishery limits of the British islands.

(3) If at any time the Board are satisfied that, having regard to the law for the time being in force in Northern Ireland, any of the Channel Islands or the Isle of Man with respect to cran and quarter cran measures, it is proper so to do, they may by order direct that such measures made and marked in accordance with that law shall be legal measures for use—

- (a) in buying, selling, delivering or receiving fresh herrings in any place in which the said Act of 1908 is in force; and
- (b) in the Scottish herring fishery and in any area to which the powers of the Secretary of State concerned with fisheries in Scotland extend under the said Act of 1891.

**Transitional**  
**provisions**  
**for milk and**  
**bread.**

**61.—(1)** The Sale of Food (Weights and Measures) Act 1926 shall until the repeal of that Act by virtue of section 63(1)(b) of this Act have effect subject to the amendments hereafter specified in this section; and the Bread Order 1953, the Bread (Amendment No. 2) Order 1956 and Article 4 of the Milk (Great Britain) Order 1962 are hereby revoked.

(2) For subsections (2) and (3) of section 6 of the said Act of 1926 there shall be substituted—

“(2) Except under and in accordance with any conditions imposed by a licence or authorisation granted by the Minister of Agriculture, Fisheries and Food, no person shall sell or have in his possession for sale any loaf or roll of bread (including any bap) unless its weight is fourteen ounces or a multiple of fourteen ounces or is ten ounces or less; and in this Act, the expression ‘bread’ includes rolls, but does not include fruit loaves or bun loaves, and the expression ‘loaf’ includes wrapped sliced bread.”

## PART VI

(3) Section 7(1) of the said Act of 1926 shall not apply—

- (a) to milk pre-packed in a quantity of one-third of a pint if the container is so marked as to indicate clearly that it contains that quantity of milk ; or
- (b) as respects any sale of any milk made up in a container in that quantity, being a sale to, or for the purpose of resale to, any person having the management of any school, or any person acting under his authority, for consumption as a beverage by the pupils of that school.

(4) The said section 7(1) shall not apply to a sale of pre-packed milk at a price of sixpence by means of a vending machine if—

- (a) the milk is pre-packed in a container marked with an indication of quantity by capacity measurement and a statement that it is not for sale otherwise than by that means ; and
- (b) there is displayed to any prospective buyer, on or in the machine, an indication of the quantity by capacity measurement of the milk in each container offered or exposed for sale in the machine ;

and it shall not be a contravention of the said section 7(1) for any person to sell otherwise than by retail, or to have in his possession—

- (i) for sale at the price aforesaid by means of such a vending machine, or
- (ii) for sale otherwise than by retail, or
- (iii) for delivery on sale otherwise than by retail,

any milk pre-packed as aforesaid notwithstanding that it is pre-packed in a quantity not otherwise permitted by the said section 7(1).

(5) In section 11 of the said Act of 1926, after subsection (2) there shall be inserted—

“(2A) Any person who acts in contravention of section 6 (2) of this Act shall be liable on summary conviction to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, or to both.”

62.—(1) Save as the Board may by order otherwise provide, **Other savings.** and except in the case of a retail transaction or a transaction with respect to which provision to the contrary effect is for the time being made by or under Part IV of this Act or any enactment included in the third column of Part II or III of Schedule 9 to this Act, nothing in this Act shall make unlawful the use in any transaction, by agreement between the parties thereto, of any unit of measurement which—

- (a) was customarily used for trade in the like transactions immediately before the passing of this Act, and
- (b) is not inconsistent with anything for the time being contained in Schedule 1 to this Act,

**PART VI** notwithstanding that the unit in question is not for the time being included in the said Schedule 1.

(2) No contract for the sale or carriage for reward of any goods shall be void by reason only of a contravention of any provision of, or of any instrument made under, this Act with respect to any document which is, or is required by that provision to be, associated with the goods.

(3) Subject to subsection (6) of this section, nothing in this Act shall affect any rights of the mayor and commonalty and citizens of the City of London or of the Lord Mayor of the City of London for the time being with respect to the stamping or sealing of weights and measures, or with respect to the gauging of wine or oil or other gaugeable liquors.

(4) Subject to subsection (6) of this section, nothing in this Act shall affect the rights granted by charter to the master, wardens and commonalty of the mystery of Founders of the city of London.

(5) Nothing in this Act shall affect any powers of any corporation sole or body corporate or any person appointed at any court leet for any hundred or manor or any jury or ward inquest with respect to the examining, regulating, seizing, breaking or destroying of any weights, balances or measures within their respective jurisdictions.

(6) Notwithstanding anything in subsection (3) or (4) of this section, a person using weighing or measuring equipment within the City of London shall not be required to have that equipment passed or stamped by more than one authority.

Repeals.

63.—(1) The following enactments, that is to say—

- (a) the enactments specified in the first and second columns of Part I of Schedule 9 to this Act, and
- (b) as from the expiration of the period of two years beginning with the date of the passing of this Act, the enactments specified in the first and second columns of Part II of that Schedule,

are hereby repealed to the extent respectively specified in the third column of the said Part I or II; and, without prejudice to anything in section 38 (1) of the Interpretation Act 1889 (which relates to the effect of repeals), any reference in any Act passed before this Act to local authorities for the purposes of the Weights and Measures Acts 1878 to 1936 shall be construed as a reference to local weights and measures authorities under this Act.

(2) As from the expiration of the period aforesaid, the following local enactments, so far as they remain in force, are hereby repealed, that is to say—

- (a) the local Acts specified in the first and second columns of Part III of the said Schedule 9 to the extent specified in the third column of the said Part III;



(b) in the Leicester (Amendment of Local Enactments) Order 1959, articles 12, 13 and 18 (3);

PART VI

and if at any time any other enactment contained in any local Act passed before this Act appears to the Board to have been superseded by, or to be inconsistent with, any provision of this Act or of any instrument made thereunder, the Board may by order, a draft of which shall be laid before Parliament, specify that enactment for the purposes of this subsection and, without prejudice to the operation in the meantime of any rule of law relating to the effect on any such enactment of any such provision, any enactment specified in any such order is hereby repealed as from the date of the making of the order or the date of the expiration of the period aforesaid, whichever is the later.

(3) Section 303 of the Public Health Act 1875 (which empowers the Minister of Housing and Local Government by provisional order to repeal or amend local Acts relating to the same subject matters as that Act) shall cease to have effect so far as it applies to any matter to which this Act relates.

(4) No power conferred by any other Act on any person other than the Board to make provision by statutory instrument with respect to the marking of any food shall extend to the marking of such food with a statement of its quantity by weight or other measurement or by number.

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

(a) any expenses incurred by any government department under this Act other than expenses incurred by the Postmaster General; and

(b) any increase attributable to the provisions of this Act in the sums payable out of moneys so provided under any other enactment.

(2) Any sums received by the Board under this Act shall be paid into the Exchequer.

65. The provisions of Schedule 10 to this Act shall have effect in relation to Northern Ireland, but, save as provided in that Schedule, the provisions of this Act other than this and the next following section shall not extend to Northern Ireland.

Application  
to Northern  
Ireland.

66.—(1) This Act may be cited as the Weights and Measures Act 1963.

Short title  
and com-  
mencement.

(2) The provisions of this Act, other than Parts III and IV, section 61(4) and Schedules 4 to 8, shall come into force on the expiration of the period of six months beginning with the date of the passing of this Act, section 61(4) shall come into force on the said date, and the said Parts and Schedules shall come into force on the expiration of the period of two years beginning with the said date.

## SCHEDULES

Sections 1, 10.

## SCHEDULE 1

## DEFINITIONS OF UNITS OF MEASUREMENT

## PART I

*Measurement of length**Imperial units*

|         |                 |
|---------|-----------------|
| 1. Mile | = 1760 yards.   |
| Furlong | = 220 yards.    |
| Chain   | = 22 yards.     |
| YARD    | = 0·9144 metre. |
| Foot    | = 1/3 yard.     |
| Inch    | = 1/36 yard.    |

*Metric units*

|              |                                                                                                                                                                                                                                      |
|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2. Kilometre | = 1000 metres.                                                                                                                                                                                                                       |
| METRE        | shall have the meaning from time to time assigned by order by the Board, being the meaning appearing to the Board to reproduce in English the international definition of the metre in force at the date of the making of the order. |
| Decimetre    | = 1/10 metre.                                                                                                                                                                                                                        |
| Centimetre   | = 1/100 metre.                                                                                                                                                                                                                       |
| Millimetre   | = 1/1000 metre.                                                                                                                                                                                                                      |

## PART II

*Measurement of area**Imperial units*

|                |                                                                                      |
|----------------|--------------------------------------------------------------------------------------|
| 1. Square mile | = 640 acres.                                                                         |
| Acre           | = 4840 square yards.                                                                 |
| Rood           | = 1210 square yards.                                                                 |
| SQUARE YARD    | = a superficial area equal to that of a square each side of which measures one yard. |
| Square foot    | = 1/9 square yard.                                                                   |
| Square inch    | = 1/144 square foot.                                                                 |

*Metric units*

|                   |                                                                                       |
|-------------------|---------------------------------------------------------------------------------------|
| 2. Hectare        | = 100 ares.                                                                           |
| Dekare            | = 10 ares.                                                                            |
| Are               | = 100 square metres.                                                                  |
| SQUARE METRE      | = a superficial area equal to that of a square each side of which measures one metre. |
| Square decimetre  | = 1/100 square metre.                                                                 |
| Square centimetre | = 1/100 square decimetre.                                                             |
| Square millimetre | = 1/100 square centimetre.                                                            |

## PART III

SCH. 1

*Measurement of volume**Imperial units*

1. CUBIC YARD = a volume equal to that of a cube each edge of which measures one yard.  
     Cubic foot =  $\frac{1}{27}$  cubic yard.  
     Cubic inch =  $\frac{1}{1728}$  cubic foot.

*Metric units*

2. CUBIC METRE = a volume equal to that of a cube each edge of which measures one metre.  
     Cubic decimetre =  $\frac{1}{1000}$  cubic metre.  
     Cubic centimetre =  $\frac{1}{1000}$  cubic decimetre.

## PART IV

*Measurement of capacity**Imperial units*

1. GALLON = the space occupied by 10 pounds weight of distilled water of density 0.998 859 gramme per millilitre weighed in air of density 0.001 217 gramme per millilitre against weights of density 8.136 grammes per millilitre.  
     Quart =  $\frac{1}{4}$  gallon.  
     Pint =  $\frac{1}{2}$  quart.  
     Gill =  $\frac{1}{4}$  pint.  
     Fluid ounce =  $\frac{1}{20}$  pint.  
 2. Bushel = 8 gallons.  
     Peck = 2 gallons.  
 3. Fluid drachm =  $\frac{1}{8}$  fluid ounce.  
     Minim =  $\frac{1}{60}$  fluid drachm.

*Metric units*

4. Hectolitre = 100 litres.  
     LITRE shall have the meaning from time to time assigned by order by the Board, being the meaning appearing to the Board to reproduce in English the international definition of the litre in force at the date of the making of the order.  
     Decilitre =  $\frac{1}{10}$  litre.  
     Centilitre =  $\frac{1}{100}$  litre.  
     Millilitre =  $\frac{1}{1000}$  litre.

## PART V

*Measurement of mass or weight**Imperial units*

1. Ton = 2240 pounds.  
     Hundredweight = 112 pounds.  
     Cental = 100 pounds.

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**SCH. 1** *Imperial units*

|                       |                            |
|-----------------------|----------------------------|
| Quarter               | = 28 pounds.               |
| Stone                 | = 14 pounds.               |
| POUND                 | = 0.453 592 37 kilogramme. |
| Ounce                 | = 1/16 pound.              |
| Dram                  | = 1/16 ounce.              |
| Grain                 | = 1/7000 pound.            |
| 2. Ounce troy         | = 480 grains.              |
| 3. Pennyweight        | = 24 grains.               |
| 4. Ounce apothecaries | = 480 grains.              |
| Drachm                | = 1/8 ounce apothecaries.  |
| Scruple               | = 1/3 drachm.              |

*Metric units*

|                |                                                                                                                                                                                                                                           |
|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5. Metric ton  | = 1000 kilogrammes.                                                                                                                                                                                                                       |
| Quintal        | = 100 kilogrammes.                                                                                                                                                                                                                        |
| KILOGRAMME     | shall have the meaning from time to time assigned by order by the Board, being the meaning appearing to the Board to reproduce in English the international definition of the kilogramme in force at the date of the making of the order. |
| Hectogramme    | = 1/10 kilogramme.                                                                                                                                                                                                                        |
| Gramme         | = 1/1000 kilogramme.                                                                                                                                                                                                                      |
| Carat (metric) | = 1/5 gramme.                                                                                                                                                                                                                             |
| Milligramme    | = 1/1000 gramme.                                                                                                                                                                                                                          |

**PART VI***Measurement of electricity*

1. The following units of measurement, that is to say—

- (a) the AMPERE (as the unit of measurement of electrical current);
- (b) the OHM (as the unit of measurement of electrical resistance);
- (c) the VOLT (as the unit of measurement of difference of electrical potential); and
- (d) the WATT (as the unit of measurement of electrical power),

shall have the meanings from time to time respectively assigned by order by the Board, being the meanings appearing to the Board to reproduce in English the international definition of the ampere, ohm, volt or watt, as the case may be, in force at the date of the making of the order.

|             |                      |
|-------------|----------------------|
| 2. Kilowatt | = 1000 watts.        |
| Megawatt    | = one million watts. |

## SCHEDULE 2

## Section 2.

EXISTING UNITED KINGDOM PRIMARY STANDARDS AND  
AUTHORISED COPIES THEREOF

## PART I

*Description of United Kingdom primary standard of the yard*

A solid bronze bar, about 38 inches long and about 1 inch square in transverse section, marked "Copper 16 oz. Tin  $2\frac{1}{2}$  Zinc 1 Mr. Baily's Metal No. 1 STANDARD YARD at 62°·00 Faht. Cast in 1845 Troughton & Simms, LONDON." and having near to each end a cylindrical hole sunk to the depth of about  $\frac{1}{4}$  inch at the bottom of which is inserted in a smaller hole a golden plug about one-tenth of an inch in diameter with, cut upon its surface, three fine lines about one hundredth of an inch apart transverse, and two fine lines about three hundredths of an inch apart parallel, to the axis of the bar, measurement being made of the mean interval between the two plugs on their respective middle transverse lines between their respective longitudinal lines when the bar is at the temperature of 62° Fahrenheit and supported on bronze rollers placed under it in such manner as best to avoid flexure of the bar and to facilitate its free expansion and contraction from variations of temperature.

## PART II

*Description of United Kingdom primary standard of the pound*

A platinum cylinder about 1.35 inches in height and about 1.15 inches in diameter marked "PS 1844 1 lb", having its edges rounded off and a groove about 0.34 inch below the top of the cylinder.

## PART III

*Description of United Kingdom primary standard of the metre*

The British copy of the prototype metre, being a bar about 102 centimetres long with a cross-section of modified X-form and made of platinum iridium alloy (90 per cent. platinum, 10 per cent. iridium), bearing at one end the markings "0°C & 20°C", "A.16 SIP GENEVE 1956" and (on the cross-section) "1" and at the other end the markings "B.16" and (on the cross-section) "2", and having engraved on the exposed neutral plane—

- (a) near each end and also at the centre, two parallel longitudinal lines about 0.12 millimetre apart;
- (b) near the end marked "1" and at the centre, one transverse line; and
- (c) near the end marked "2", two transverse lines about 0.17 millimetre apart,

measurement being made of the mean interval between the portions of the most widely separated transverse lines which are between the respective longitudinal lines when the bar is at the temperature of 0° Celsius, is subjected to an atmospheric pressure of 1013.250 millibars, and is supported on two rollers at least one centimetre in diameter placed symmetrically 571 millimetres apart in the same horizontal plane.

## SCH. 2

## PART IV

*Description of United Kingdom primary standard of the kilogramme*

The British copy of the prototype kilogramme, being a solid cylinder marked "18" of height equal to its diameter made of platinum-iridium alloy (90 per cent. platinum, 10 per cent. iridium).

## PART V

*Authorised copies of United Kingdom primary standards of the yard and pound*

Copies of the bar and cylinder described in Parts I and II respectively of this Schedule of the same construction and form as that bar and cylinder are respectively marked and deposited as follows—

- (a) a bronze bar marked "Copper 16 oz. Tin  $2\frac{1}{2}$  Zinc 1 Mr. Baily's Metal No. 2 STANDARD YARD at  $61^{\circ}.94$  Faht. Cast in 1845 Troughton & Simms, LONDON.", and a platinum cylinder marked "No 1 PC 1844 1 lb", deposited at the Royal Mint;
- (b) a bronze bar marked "Copper 16 oz. Tin  $2\frac{1}{2}$  Zinc 1 Mr. Baily's Metal No. 3 STANDARD YARD at  $62^{\circ}.10$  Faht. Cast in 1845 Troughton & Simms, LONDON.", and a platinum cylinder marked "No 2 PC 1844 1 lb", deposited at the premises of the Royal Society;
- (c) a bronze bar marked "Copper 16 oz. Tin  $2\frac{1}{2}$  Zinc 1 Mr. Baily's Metal No. 5 STANDARD YARD at  $62^{\circ}.16$  Faht. Cast in 1845 Troughton & Simms, LONDON.", and a platinum cylinder marked "No 3 PC 1844 1 lb", deposited at the Royal Greenwich Observatory;
- (d) a bronze bar marked "Copper 16 oz. Tin  $2\frac{1}{2}$  Zinc 1 Mr. Baily's Metal No. 4 STANDARD YARD at  $61^{\circ}.98$  Faht. Cast in 1845 Troughton & Simms, LONDON.", and a platinum cylinder marked "No 4 PC 1844 1 lb", immured in the Palace of Westminster;
- (e) a bronze bar marked "Copper 16 oz. Tin  $2\frac{1}{2}$  Zinc 1. BAILY'S METAL. PARLIAMENTARY COPY (VI) OF THE IMPERIAL STANDARD YARD. 41 & 42 VICTORIA, CHAPTER 49. STANDARD YARD AT  $62^{\circ}$  FAHT. CAST IN 1878. Troughton & Simms. London. H.J.C.", and a platinum-iridium cylinder marked "P.C. 5 1879" deposited at the Standard Weights and Measures Department of the Board.

## SCHEDULE 3

Sections 3, 4,  
5, 10.

## MEASURES AND WEIGHTS LAWFUL FOR USE FOR TRADE

## PART I

*Linear measure**Imperial system*

## 1. Measures of—

|          |          |
|----------|----------|
| 100 feet | 5 feet   |
| 66 feet  | 4 feet   |
| 50 feet  | 1 yard   |
| 33 feet  | 2 feet   |
| 20 feet  | 1 foot   |
| 10 feet  | 6 inches |
| 8 feet   | 1 inch   |
| 6 feet   |          |

*Metric system*

## 2. Measures of—

|           |              |
|-----------|--------------|
| 20 metres | 1 metre      |
| 10 metres | 1 decimetre  |
| 3 metres  | 1 centimetre |
| 2 metres  |              |

## PART II

*Square measures**Imperial system*

## 1. Measures of, or of any multiple of, 1 square foot.

*Metric system*

## 2. Measures of, or of any multiple of, 1 square decimetre.

## PART III

*Cubic measures*Measures of, or of any multiple of,  $\frac{1}{4}$  cubic yard.

## PART IV

*Capacity measures**Imperial system*

## 1. Measures of—

|                          |                    |
|--------------------------|--------------------|
| any multiple of 1 gallon | 1 gill             |
| 1 gallon                 | 4 fluid ounces     |
| $\frac{1}{2}$ gallon     | $\frac{1}{2}$ gill |
| 1 quart                  | $\frac{3}{8}$ gill |
| 1 pint                   | $\frac{1}{4}$ gill |
| $\frac{1}{2}$ pint       | $\frac{1}{8}$ gill |
| 8 fluid ounces           | $\frac{1}{2}$ gill |
| $\frac{1}{2}$ pint       | $\frac{1}{4}$ gill |
| 6 fluid ounces           |                    |

**SCH. 3**

## 2. Measures of—

1 bushel  
 $\frac{1}{2}$  bushel  
 1 peck

## 3. Measures of—

4 fluid drachms  
 2 fluid drachms  
 1 fluid drachm

*Metric system*

## 4. Measures of—

any multiple of 10 litres

10 litres  
 5 litres  
 $2\frac{1}{2}$  litres  
 2 litres  
 1 litre  
 500 millilitres  
 250 millilitres  
 200 millilitres

**PART V***Weights**Imperial system*

## 1. Weights of—

56 pounds  
 50 pounds  
 28 pounds  
 20 pounds  
 14 pounds  
 10 pounds  
 7 pounds  
 5 pounds  
 4 pounds  
 2 pounds  
 1 pound  
 8 ounces  
 4 ounces  
 2 ounces  
 1 ounce  
 8 drams  
 4 drams  
 2 drams  
 1 dram

## 2. Weights of—

500 ounces troy  
 400 ounces troy  
 300 ounces troy  
 200 ounces troy  
 100 ounces troy  
 50 ounces troy

1



## SCH. 3

|                 |                  |
|-----------------|------------------|
| 3 ounces troy   | 0.03 ounce troy  |
| 2 ounces troy   | 0.025 ounce troy |
| 1 ounce troy    | 0.02 ounce troy  |
| 0.5 ounce troy  | 0.01 ounce troy  |
| 0.4 ounce troy  | 0.005 ounce troy |
| 0.3 ounce troy  | 0.004 ounce troy |
| 0.2 ounce troy  | 0.003 ounce troy |
| 0.1 ounce troy  | 0.002 ounce troy |
| 0.05 ounce troy | 0.001 ounce troy |
| 0.04 ounce troy |                  |

## 3. Weights of—

|                        |             |
|------------------------|-------------|
| 10 ounces apothecaries | 1 drachm    |
| 8 ounces apothecaries  | 2 scruples  |
| 6 ounces apothecaries  | 1½ scruples |
| 4 ounces apothecaries  | 1 scruple   |
| 2 ounces apothecaries  | ½ scruple   |
| 1 ounce apothecaries   | 6 grains    |
| 4 drachms              | 4 grains    |
| 2 drachms              |             |

## 4. Weights of—

|                 |                |
|-----------------|----------------|
| 10 pennyweights | 2 pennyweights |
| 5 pennyweights  | 1 pennyweight  |
| 3 pennyweights  |                |

*Metric system*

## 5. Weights of—

|                |                  |
|----------------|------------------|
| 20 kilogrammes | 2 grammes        |
| 10 kilogrammes | 1 gramme         |
| 5 kilogrammes  | 500 milligrammes |
| 2 kilogrammes  | 200 milligrammes |
| 1 kilogramme   | 100 milligrammes |
| 500 grammes    | 50 milligrammes  |
| 200 grammes    | 20 milligrammes  |
| 100 grammes    | 10 milligrammes  |
| 50 grammes     | 5 milligrammes   |
| 20 grammes     | 2 milligrammes   |
| 10 grammes     | 1 milligramme    |
| 5 grammes      |                  |

## 6. Weights of—

|                     |                     |
|---------------------|---------------------|
| 500 carats (metric) | 1 carat (metric)    |
| 200 carats (metric) | 0.5 carat (metric)  |
| 100 carats (metric) | 0.25 carat (metric) |
| 50 carats (metric)  | 0.2 carat (metric)  |
| 20 carats (metric)  | 0.1 carat (metric)  |
| 10 carats (metric)  | 0.05 carat (metric) |
| 5 carats (metric)   | 0.02 carat (metric) |
| 2 carats (metric)   | 0.01 carat (metric) |

## Section 21.

## SCHEDULE 4

## FOODS

## PART I

*Meat and food containing meat*

1.—(1) This Part of this Schedule applies to food of any of the following descriptions, that is to say—

(a) meat of any description, whether fresh, chilled, frozen, salted, cooked or processed ; and

(b) any article which, though it also contains other food, consists substantially of meat,

other than dripping, lard, meat paste and shredded suet.

(2) In the foregoing sub-paragraph, the expression “meat” means any part of an animal of any of the following descriptions, that is to say, cattle, sheep and swine, but does not include sausage-meat in any form.

2. Subject to paragraph 5 of this Part of this Schedule, any goods to which this Part of this Schedule applies which are not pre-packed shall be sold only—

(a) by net weight ; or

(b) if sold in a container which does not exceed the appropriate permitted weight specified in Table A of Part XII of this Schedule, either by net weight or by gross weight.

3. Subject to paragraph 5 of this Part of this Schedule, any goods to which this Part of this Schedule applies shall be pre-packed in a container which exceeds the appropriate permitted weight aforesaid only if the container is marked with an indication of quantity by net weight.

4.—(1) Subject to paragraph 5 of this Part of this Schedule, this paragraph shall apply to any goods to which this Part of this Schedule applies pre-packed in a container which—

(a) does not exceed the appropriate permitted weight aforesaid ; and

(b) is not marked with an indication of quantity by net weight.

(2) When sold otherwise than by retail, such goods shall be sold only by net weight or by gross weight.

(3) When sold by retail, the quantity either by net weight or by gross weight of the goods sold shall be made known to the buyer before he pays for or takes possession of the goods.

5. The following shall be exempted from all requirements of this Part of this Schedule, that is to say—

(a) bath chaps, meat pies and meat puddings ; and

(b) any other goods in a quantity of less than one ounce ;

and there shall be exempted from the requirements of paragraph 2 of this Part of this Schedule any sale at a purchase price of sixpence or less.

## PART II

SCH. 4

*Fish, poultry and sausage-meat*

1. This Part of this Schedule applies to food of any of the following descriptions, that is to say—

- (a) fish or poultry of any description, whether fresh, chilled, frozen, salted, cooked or processed;
- (b) sausage-meat in any form, whether cooked or uncooked;
- (c) any article which, though it also contains other food, consists substantially of fish, poultry or sausage-meat, being an article other than fish paste or poultry paste;

and any reference in this Schedule to poultry includes a reference to any part of any poultry.

2.—(1) Subject to paragraph 4 of this Part of this Schedule, this paragraph shall apply to any goods to which this Part of this Schedule applies which are not pre-packed in a container marked with an indication of quantity by net weight.

(2) When sold otherwise than by retail such goods other than fish shall be sold only—

- (a) by net weight; or
  - (b) if sold in a container which does not exceed the appropriate permitted weight specified in Table B of Part XII of this Schedule, either by net weight or by gross weight.
- (3) When sold by retail, the quantity of the goods sold, being—
- (a) quantity by net weight; or
  - (b) if the goods are sold in a container which does not exceed the appropriate permitted weight aforesaid, quantity either by net weight or by gross weight,

shall be made known to the buyer before he pays for or takes possession of the goods.

3. Subject to paragraph 4 of this Part of this Schedule, goods to which this Part of this Schedule applies shall be pre-packed in a container which exceeds the appropriate permitted weight aforesaid only if the container is marked with an indication of quantity by net weight.

4.—(1) The following shall be exempted from all requirements of this Part of this Schedule, that is to say—

- (a) whole birds which—
  - (i) being bled and plucked but uneviscerated, weigh less than two and a quarter pounds; or
  - (ii) being eviscerated and ready for cooking, but including any giblets sold therewith, weigh less than one and a half pounds;
- (b) poultry pies;
- (c) sausage rolls;
- (d) any other goods in a quantity of less than one ounce.

(2) The following shall be exempted from the requirements of paragraph 2 of this Part of this Schedule, that is to say—

- (a) cooked poultry;

## SCH. 4

- (b) shellfish in shell, jellied fish, pickled fish and fried fish ;
- (c) any sale of fish made otherwise than from a market, shop, stall or vehicle ;
- (d) any sale of fish or poultry at a purchase price of sixpence or less ;
- (e) single cooked sausages not exceeding one pound in weight ;
- (f) sausage-meat products, whether cooked or uncooked, in any form other than that of sausages, when offered or exposed for sale as a single item in a quantity not exceeding one pound.

## PART III

*Cheese*

1. In this Part of this Schedule the expression "cheese" includes processed cheese.

2. Subject to paragraph 4 of this Part of this Schedule, on a sale by retail of any cheese other than cheese pre-packed in a container marked with an indication of quantity by net weight, the quantity of the cheese sold, being—

(a) quantity by net weight ; or

(b) if the cheese is sold in a container which does not exceed the appropriate permitted weight specified in Table B of Part XII of this Schedule, quantity either by net weight or by gross weight,

shall be made known to the buyer before he pays for or takes possession of the cheese.

3. Subject to paragraph 4 of this Part of this Schedule, cheese shall be pre-packed in a container which exceeds the appropriate permitted weight aforesaid only if the container is marked with an indication of quantity by net weight.

4. The following shall be exempted from all requirements of this Part of this Schedule, that is to say—

(a) pre-packed natural cheese which is not of Cheddar or Cheshire type ;

(b) any cheese in a quantity of less than one ounce.

## PART IV

*Bread*

1. In this Part of this Schedule—

(a) the expression "bread" means bread in any form other than breadcrumbs and includes the following, and any part of any of the following, that is to say, fancy loaves and milk loaves ;

(b) the expression "loaf" includes a roll and a bap ;

and for the purposes of this Act any pre-packed sliced bread shall be deemed to be a whole loaf of bread and the pre-packing of sliced bread in any quantity by net weight shall be deemed to be the making for sale of a whole loaf of bread of that net weight.

2. Bread of any description other than a whole loaf shall be sold only by net weight:

Provided that there shall be exempted from the requirements of this paragraph any bread in a quantity of ten ounces or less.

3. A whole loaf of bread of a net weight exceeding ten ounces shall be made for sale only if it is of a net weight of fourteen ounces or a multiple of fourteen ounces:

Provided that there shall be exempted from the requirements of this paragraph any sale in pursuance of a contract for the supply of bread for consumption on the premises of the buyer if the contract provides for each delivery of bread thereunder to be of a specified aggregate quantity of not less than fifty-six pounds and for the weighing of the bread on delivery.

#### PART V

##### *Milk*

1. In this Part of this Schedule, the expression "milk" means cows' milk in any liquid form other than that of condensed milk (including evaporated milk) or of cream.

2. Milk which is not pre-packed shall be sold only by capacity measurement or by net weight.

3. Milk shall be pre-packed only if—

- (a) it is made up in a quantity of one-third of a pint, half a pint or a multiple of half a pint; and
- (b) the container is marked with an indication of quantity by capacity measurement.

4. If in the case of any pre-packed milk its container is clearly and conspicuously marked with a statement in writing that it is not for sale otherwise than by means of a vending machine, then, notwithstanding that the milk is made up in a quantity other than one of those specified in paragraph 3(a) of this Part of this Schedule, a person shall not by reason only of that fact be guilty of an offence under section 22(2) of this Act—

- (a) in respect of a sale of that milk by that or any other person if the sale—
  - (i) is at the price of sixpence by means of a vending machine; or
  - (ii) is otherwise than by retail; or
- (b) in respect of the possession of that milk by that or any other person if the milk is shown to be in that possession—
  - (i) for sale at the price aforesaid by means of a vending machine which complies with paragraph 5 of this Part of this Schedule; or
  - (ii) for sale otherwise than by retail; or
  - (iii) for delivery after sale otherwise than by retail.

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SCH. 4 5. Milk shall be sold by means of, or offered or exposed for sale in, a vending machine only if there is displayed on or in the machine—

- (a) an indication of the quantity by capacity measurement of the milk comprised in each item for sale by means of that machine ; and
- (b) except where the machine is on premises at which the seller carries on business, a statement of the name and address of the seller.

#### PART VI

##### *Intoxicating liquor*

1. In this Part of this Schedule, the expressions “ beer ”, “ cider ”, “ wine ” and “ British wine ” have the same meanings respectively as for the purposes of the Customs and Excise Act 1952.

2. Unless pre-packed in a securely closed container and except when sold as a constituent of a mixture of two or more liquids, beer or cider shall be sold by retail—

- (a) only in a quantity of one-third of a pint, half a pint or a multiple of half a pint ; and
- (b) where sold for consumption on the premises of the seller, only in a capacity measure of the quantity in question.

3. Unless pre-packed as aforesaid, intoxicating liquor of any of the following descriptions, that is to say, gin, rum, vodka and whisky, shall be sold by retail for consumption on the premises at which it is sold only—

- (a) in, or in a multiple of, one of the following quantities, which shall be the same for all those liquors, that is to say, one-quarter, one-fifth and one-sixth of a gill ; and
- (b) if there is displayed on those premises, in such a position and manner as to be readily available without special request for inspection by the buyer before the sale is made, a statement in writing showing in which of those quantities those liquors are offered for sale on those premises :

Provided that—

- (i) this paragraph shall not come into force until the expiration of the period of three years beginning with the date of the passing of this Act ; and
- (ii) any such liquor as aforesaid shall be exempted from the requirements of this paragraph when it forms a constituent of a mixture of three or more liquids ;

and nothing in this paragraph shall make unlawful the sale at the express request of the buyer of any mixture of liquids containing any of the liquors aforesaid in a quantity not otherwise permitted by this paragraph.

4. Intoxicating liquor of any description shall be pre-packed in a closed container only if the container is marked with an indication of quantity by capacity measurement :

Provided that there shall be exempted from the requirements of this paragraph—

- (a) wine and British wine ;
- (b) any other liquor in a quantity of less than three fluid ounces or more than one gallon.

5. Without prejudice to the provisions of section 22 of this Act, if paragraph 2 (b) or 3 (b) of this Part of this Schedule is contravened, the occupier of the premises in question shall be guilty of an offence.

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## PART VII

*Fresh fruits and vegetables*

1. References in this Part of this Schedule to fruits or vegetables of any description are references to food consisting of such fruits or vegetables either—

- (a) in the state in which they were harvested ; or
- (b) in the said state apart from cleaning or trimming ; or
- (c) in the case of beetroots, in the said state apart from having been cooked ; or
- (d) in the case of peas, in the said state apart from having been shelled.

2. Subject to paragraph 6 of this Part of this Schedule, potatoes—

- (a) unless pre-packed, shall be sold by retail only by net weight ;
- (b) shall be pre-packed only if—
  - (i) they are made up in one of the following quantities by net weight, that is to say, eight ounces, twelve ounces, one pound, one and a half pounds or a multiple of one pound ; and
  - (ii) the container is marked with an indication of quantity by net weight.

3.—(1) Subject to paragraph 6 of this part of this Schedule, this paragraph applies to—

- (a) beans, brussels sprouts, brussels tops, curly kale, peas, spinach, spring greens, sprouting broccoli and turnip tops ;
- (b) produce of any one or more of the following descriptions (hereinafter in this paragraph referred to as “soft fruits”), that is to say, bilberries, blackberries, blackcurrants, brambles, cherries, cranberries, gooseberries, loganberries, mulberries, raspberries, redcurrants, strawberries and whitecurrants ;
- (c) mushrooms ;
- (d) produce of any one or more of the following descriptions (hereafter in this paragraph referred to as “countable produce”), that is to say, apples, apricots, bananas, beet-roots, carrots, corn on the cob, greengages, leeks, mandarines, nectarines, onions (other than spring onions), oranges, parsnips, peaches, pears, plums, shallots, swedes, tangerines, tomatoes and turnips.

(2) On a sale by retail of any goods to which this paragraph applies which are not pre-packed in a container marked with an indication of quantity by net weight or, in the case of countable produce, either by net weight or by number, the quantity of the goods sold, being—

- (a) quantity by net weight or, in the case of countable produce, quantity either by net weight or by number ; or

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- (b) if the goods are sold in a container which does not exceed the appropriate permitted weight specified, in the case of soft fruits or mushrooms, in Table C or, in any other case, in Table B of Part XII of this Schedule, quantity either by net weight or by gross weight,

shall be made known to the buyer before he pays for or takes possession of the goods.

(3) Goods to which this paragraph applies shall be pre-packed in a container which exceeds the appropriate permitted weight aforesaid only if the container is marked with an indication of quantity, being—

- (a) quantity by net weight ; or  
 (b) in the case of countable produce, quantity either by net weight or by number.

4.—(1) Where fruits or vegetables of any description specified in paragraph 2 or 3 of this Part of this Schedule have been divided into pieces or have had part thereof removed or both, then, subject to paragraph 6 of this Part of this Schedule, this paragraph shall apply to any food consisting of, or including, any part of any of those fruits or vegetables which has not been subjected to any further process.

(2) On a sale by retail of any goods to which this paragraph applies which are not pre-packed in a container marked with an indication of quantity by net weight, the quantity of the goods sold, being—

- (a) quantity by net weight ; or  
 (b) if the goods are sold in a container which does not exceed the appropriate permitted weight specified in Table B of Part XII of this Schedule, quantity either by net weight or by gross weight,

shall be made known to the buyer before he pays for or takes possession of the goods.

(3) Goods to which this paragraph applies shall be pre-packed in a container which exceeds the appropriate permitted weight aforesaid only if the container is marked with an indication of quantity by net weight.

5. Subsection (3) of section 33 of this Act shall apply to any requirement of paragraph 3 or 4 of this Part of this Schedule with respect to the making known to the buyer of the quantity by gross weight of pre-packed goods to which that paragraph applies in like manner as if provision to that effect had been made by an order under that subsection, but the power of the Board to vary or revoke any order under that subsection shall extend to the amendment or repeal of this paragraph.

6. The following shall be exempted from any requirement of paragraph 2 or 3 of this Part of this Schedule which would otherwise apply thereto, that is to say—

- (a) goods pre-packed in the same container with other goods to which none of those requirements applies ;  
 (b) goods pre-packed in the same container with goods of two or more other descriptions to which some requirement of this Part of this Schedule would otherwise apply ;



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(c) a pre-packed collection of not more than eight articles of countable produce within the meaning of paragraph 3 of this Part of this Schedule, if the container is such that all the articles can be clearly seen by a prospective purchaser;

(d) bunched carrots, bunched beetroots and bunched turnips; and there shall be exempted from all requirements of this Part of this Schedule any goods in a quantity of less than one ounce.

7.—(1) Where at any premises other than a vehicle or ship any goods to which paragraph 2 or 3 of this Part of this Schedule applies have been sold by weight when made up in a container, and the sale is otherwise than by retail, the buyer may require all or any of the following weighings to be carried out at those premises, that is to say—

(a) a weighing of that container while the goods are therein;

(b) a weighing of that container after the removal of the goods therefrom;

(c) a weighing of a similar container which is empty,

and thereupon the seller shall either carry out or permit the buyer to carry out the weighing or weighings so required; and if the seller fails without reasonable cause so to do he shall be guilty of an offence.

(2) The occupier of any premises at which any goods to which the said paragraph 2 or 3 applies are made up in a container for sale by weight otherwise than by retail, or of any premises (other than a vehicle or ship) at which such goods so made up are so sold, shall provide suitable weighing equipment and make that equipment available for any weighing or weighings required under the foregoing sub-paragraph to be carried out at those premises; and if he fails without reasonable cause to comply with any of the requirements of this sub-paragraph he shall be guilty of an offence.

### PART VIII

*Miscellaneous foods to be sold by or marked with net weight and to be pre-packed only in fixed quantities*

1. This Part of this Schedule applies to the following foods, that is to say—

(a) cereal breakfast foods in flake form, other than cereal biscuit breakfast foods;

(b) tea, cocoa (including cocoa powder and chocolate powder) and coffee (including coffee beans, coffee powders of all kinds, ground coffee and mixtures of coffee and chicory other than such mixtures in the form of liquid essences);

(c) honey, other than chunk honey;

(d) jam and marmalade, other than diabetic jam or marmalade;

(e) jelly preserves;

(f) molasses, syrup and treacle;

(g) salt, other than cut lump salt;

(h) sugar of the following descriptions, that is to say, caster, granulated, cube and icing;

(i) dried vegetables of any of the following descriptions, that is to say, beans, lentils and peas (including split peas):

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- (j) barley kernels, pearl barley, rice (including ground rice and rice flakes), sago, semolina and tapioca ;
- (k) flour of bean, maize, oats, pea, rice, rye, soya bean or wheat ;
- (l) flour products of any of the following descriptions, that is to say—
  - (i) cake flour, other than cake mixtures and sponge mixtures ;
  - (ii) cornflour, other than blancmange powders and custard powders ;
  - (iii) macaroni and similar products ;
  - (iv) self-raising flour.

2. Subject to paragraph 4 of this Part of this Schedule, goods to which this Part of this Schedule applies which are not pre-packed shall be sold by retail only by net weight.

3. Subject to paragraph 4 of this Part of this Schedule, goods to which this Part of this Schedule applies shall be pre-packed only if—

- (a) they are made up in one of the following quantities by net weight, that is to say, one, two, four, eight or twelve ounces, one pound, one and a half pounds, or a multiple of one pound ; and
- (b) the container is marked with an indication of quantity by net weight.

4. There shall be exempted from all requirements of paragraphs 2 and 3 of this Part of this Schedule—

- (a) honey in comb ;
- (b) any other goods in a quantity of less than half an ounce ;

and there shall be exempted from the requirements of sub-paragraph (a) of the said paragraph 3 cereal breakfast foods pre-packed in a quantity not exceeding one and a quarter ounces, and dried vegetables pre-packed in a quantity not exceeding three ounces.

## PART IX

*Miscellaneous foods to be pre-packed only when marked with net weight and in fixed quantities and to be otherwise sold by net weight or gross weight.*

1. This Part of this Schedule applies to the following foods, that is to say—

- (a) butter, compound cooking fat, dripping, lard, margarine, shredded suet and any mixture of butter and margarine ;
- (b) dried fruits of any one or more of the following descriptions, that is to say, apples (including dried apple rings), apricots, currants, dates, figs, muscatels, nectarines, peaches, pears (including dried pear rings), prunes, raisins and sultanas ;
- (c) dried fruit salad ;
- (d) oatflakes, oatmeal and rolled oats ;
- (e) sugar, other than caster, granulated, cube or icing sugar.

2. Subject to paragraph 4 of this Part of this Schedule, goods to which this Part of this Schedule applies which are not pre-packed shall be sold by retail only—

- (a) by net weight ; or
- (b) if sold in a container which does not exceed the appropriate permitted weight specified, in the case of any of the foods mentioned in sub-paragraph (a) of the foregoing paragraph, in Table A or, in any other case, in Table B of Part XII of this Schedule, either by net weight or by gross weight.

3. Subject to paragraph 4 of this Part of this Schedule, goods to which this Part of this Schedule applies shall be pre-packed only if—

- (a) they are made up in one of the following quantities, that is to say, two, four, eight or twelve ounces, one pound, one and a half pounds, or a multiple of one pound ; and
- (b) the container is marked with an indication of quantity, being in each case quantity by net weight.

4. There shall be exempted from all requirements of this Part of this Schedule any goods in a quantity of less than one ounce.

#### PART X

##### *Miscellaneous foods to be marked when pre-packed with quantity by number*

1. This Part of this Schedule applies to foods of any of the following descriptions, that is to say—

- (a) cereal biscuit breakfast foods, other than foods in the case of which none of the biscuits weighs more than one-third of an ounce ;
- (b) fruit preservative tablets, rennet tablets, saccharin tablets, soft drink tablets and sweetening tablets ;
- (c) shell eggs ;
- (d) vanilla pods.

2. Goods to which this Part of this Schedule applies shall be pre-packed only if the container is marked with an indication of quantity by number :

Provided that there shall be exempted from the requirements of this paragraph—

- (a) shell eggs pre-packed in a quantity of not more than six, if the container is such that all the eggs can be clearly seen by a prospective purchaser ;
- (b) any goods in a quantity by number of one.

#### PART XI

##### *Other pre-packed foods*

1. This Part of this Schedule applies to foods of any description which are not goods—

- (a) required by or under any other provision of this Act to be pre-packed only if the container is marked with an indication of quantity ; or

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- (b) in the case of which when sold pre-packed (whether on any sale or on a sale of any particular description) the quantity of the goods sold expressed in a particular manner is required by or under any other provision of this Act to be made known to the buyer at or before a particular time ; or
- (c) expressly exempted by any such provision from all such requirements which would otherwise apply thereto.

2. Subject to paragraph 3 of this Part of this Schedule, goods to which this Part of this Schedule applies shall be pre-packed only if the container is marked with an indication of quantity either by net weight or by capacity measurement.

3. The following shall be exempted from the requirements of this Part of this Schedule, that is to say—

- (1) biscuits in a quantity of less than four ounces ;
- (2) bread within the meaning of Part IV of this Schedule ;
- (3) condensed milk (including evaporated milk) and dried milk ;
- (4) flour confectionery (except when consisting of or including uncooked pastry), including bun loaves, fruit loaves, malt loaves and fruited malt loaves ;
- (5) any of the following other than dates, that is to say, fruits or vegetables of any description, being fruits or vegetables—
  - (a) in the state in which they were harvested ; or
  - (b) in the said state apart from cleaning or trimming, and, in the case of fruits or vegetables in such a state which have been divided into pieces or have had part thereof removed or both, any part of any of those fruits or vegetables which has not been subjected to any further process ;
- (6) hops ;
- (7) iced lollies and water ices ;
- (8) micro-biological preparations for addition to food ;
- (9) shortbread in a quantity of less than four ounces or in pieces each of which weighs eight ounces or more ;
- (10) single toffee apples ;
- (11) soft drinks of any description in a syphon or in a quantity of less than five fluid ounces ;
- (12) sugar and chocolate confectionery of any of the following descriptions, that is to say—
  - (a) Easter eggs ;
  - (b) figurines of chocolate or of sugar ;
  - (c) rock or barley sugar in sticks or novelty shapes ;
  - (d) single articles weighing less than three ounces ;

(e) a collection of articles each of which is either an article such as is mentioned in paragraph (a), (b), (c) or (d) of this sub-paragraph or an article in a container marked with an indication of quantity by net weight ;

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(13) goods of any other description in a quantity of less than one ounce or of less than one fluid ounce.

## PART XII

## Tables of permitted weights for containers

TABLE A

| Gross weight              | Permitted weight of container                                |
|---------------------------|--------------------------------------------------------------|
| Not exceeding 1 lb ... .. | 2½ drams                                                     |
| Exceeding 1 lb ... ..     | a weight at the rate of 2½ drams per lb of the gross weight. |

TABLE B

| Gross weight                              | Permitted weight of container                                                   |
|-------------------------------------------|---------------------------------------------------------------------------------|
| Not exceeding 1 lb ... ..                 | 4½ drams                                                                        |
|                                           | <i>a weight at the rate of the following weight per lb of the gross weight—</i> |
| Exceeding 1 lb but not exceeding 2 lb ... | 4 drams                                                                         |
| Exceeding 2 lb but not exceeding 4 lb ... | 3 drams                                                                         |
| Exceeding 4 lb ... ..                     | 2½ drams                                                                        |

TABLE C

| Gross weight                              | Permitted weight of container                                                   |
|-------------------------------------------|---------------------------------------------------------------------------------|
|                                           | <i>a weight at the rate of the following weight per lb of the gross weight—</i> |
| Not exceeding 8 oz ... ..                 | 2 oz                                                                            |
| Exceeding 8 oz but not exceeding 2 lb ... | 1½ oz                                                                           |
| Exceeding 2 lb but not exceeding 6 lb ... | 1½ oz                                                                           |
| Exceeding 6 lb ... ..                     | 1 oz                                                                            |

## Section 21.

## SCHEDULE 5

## SAND AND OTHER BALLAST

## PART I

*General provisions*

1. In this Schedule, the expression "ballast" means any of the following materials, that is to say—

- (a) sand, gravel, shingle, ashes and clinker of any description ;
- (b) broken slag, slag chippings, granite chippings, limestone chippings, slate chippings and other stone chippings (including such materials which have been coated with tar, bitumen or cement) ;
- (c) any other material commonly used in the building and civil engineering industries as a hardcore or an aggregate ;
- (d) any other material commonly known in the said industries as ballast.

2. Subject to paragraphs 3 and 11 of this Schedule, ballast shall be sold only by volume in a multiple of half a cubic yard or by net weight.

3. There shall be exempted from the requirements of paragraph 2 of this Schedule—

- (a) ballast in a quantity both less than one ton and less than one cubic yard ;
- (b) any sale with a view to its industrial use of ballast of any description mentioned in paragraph 1 (b), (c) or (d) of this Schedule ;
- (c) any sale in the case of which the buyer is to take delivery in or from a ship ;
- (d) any sale as a whole of ballast produced in the demolition or partial demolition of a building where the buyer is responsible for the removal of the ballast from the site of the building ;
- (e) any sale in the state in which it was produced of clinker or ashes produced as a by-product, or of any other ballast produced as a casual product, of the carrying on of an industrial process on any premises or of the mining of coal where the buyer is responsible for the removal of the ballast from those premises or, as the case may be, from the colliery tip.

4. Without prejudice to section 14 of this Act, no article shall be used for trade as a cubic measure of ballast other than a receptacle (which may, if so desired, form part of a vehicle) which conforms with such requirements as to form, capacity, calibration and other matters as may be prescribed ; and any person who uses for trade, or has in his possession for use for trade, as a cubic measure of ballast any article other than such a receptacle as aforesaid shall be guilty of an offence.

5. In measuring any ballast against a calibration mark on such a receptacle as aforesaid, the ballast shall be filled into all parts of the receptacle as far as, and be levelled off against, that calibration mark as nearly as the nature of the ballast will permit ; and

where any ballast is measured for purposes of trade in such a receptacle, any person who—

- (a) being the person carrying out the measuring, fails so to level off the ballast when it is loaded into the receptacle ;  
or
  - (b) causes or permits a heaped load to be sent out in the receptacle,
- shall be guilty of an offence.

## PART II

### *Carriage of ballast by road*

6. The provisions of this Part of this Schedule shall have effect with respect to the carriage of ballast by a road vehicle on a journey any part of which is along a highway.

7.—(1) If any of the ballast is being carried for delivery to a buyer in pursuance of, or of an agreement for, a sale thereof and paragraph 2 of this Schedule applies to the sale, the following provisions of this paragraph shall have effect with respect to that ballast.

(2) There shall, before the journey begins, be delivered to the person in charge of the vehicle a document signed by or on behalf of the seller stating—

- (a) the name and address of the seller ;
- (b) the name of the buyer, and the address of the premises to which the ballast is being delivered ;
- (c) the type of the ballast ;
- (d) subject to sub-paragraph (4) of this paragraph, the quantity of the ballast either by net weight or by volume ;
- (e) sufficient particulars to identify the vehicle ; and
- (f) the place, date and time of the loading of the ballast in the vehicle.

(3) Where the quantity of the ballast is stated in the document aforesaid by volume, the ballast shall be carried on the vehicle only in such a receptacle as is mentioned in paragraph 4 of this Schedule.

(4) The statement referred to in sub-paragraph (2) (d) of this paragraph shall not be required at any time while the vehicle is travelling between the place where it was loaded and the nearest suitable and available weighing equipment if the whole of the vehicle's load is being delivered to the same person at the same premises and the document aforesaid states that the quantity of the ballast is to be expressed by net weight determined by means of that equipment and specifies the place at which the equipment is situated.

(5) In any case to which the last foregoing sub-paragraph applies, the person in charge of the vehicle at the time when the net weight of the ballast is determined shall forthwith add to the document aforesaid a statement of that net weight, and if he fails so to do he shall be guilty of an offence.

(6) If any of the provisions of sub-paragraph (2) or (3) of this paragraph is contravened, the seller shall be guilty of an offence.

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(7) If the vehicle is carrying ballast as mentioned in sub-paragraph (1) of this paragraph for delivery to each of two or more persons, sub-paragraphs (1) to (3) of this paragraph shall apply separately in relation to each of those persons:

Provided that this sub-paragraph shall not be construed as prohibiting the use of the same receptacle such as is mentioned in the said sub-paragraph (3) for the carriage of ballast for delivery to two or more different persons.

8. If all or any of the ballast on the vehicle is being carried in such circumstances that paragraph 7 of this Schedule does not apply thereto, there shall before the journey begins be delivered to the person in charge of the vehicle a document containing a statement to that effect signed by or on behalf of the person causing that ballast to be carried and giving the name and address of the last-mentioned person, and if this paragraph is contravened the last-mentioned person shall be guilty of an offence;

Provided that this paragraph shall not apply where all the ballast in the vehicle is being carried in such circumstances as aforesaid and is being so carried in a container which does not form part of the vehicle.

9. Any document required by paragraph 7 or 8 of this Schedule shall at all times during the journey be carried by the person for the time being in charge of the vehicle and shall be handed over by him to any other person to whom he hands over the charge of the vehicle in the course of the journey; and in the case of any document such as is mentioned in the said paragraph 7, on the unloading of the ballast to which the document relates at the premises to which that ballast is to be delivered—

- (a) before any of that ballast is so unloaded, the document shall be handed over to the buyer; or
- (b) if the document cannot be so handed over by reason of the absence of the buyer, it shall be left at some suitable place at those premises;

and if at any time any of the provisions of this paragraph is contravened without reasonable cause, the person in charge of the vehicle at that time shall be guilty of an offence.

10. In the case of any document such as is mentioned in paragraph 7 of this Schedule, if at any time during the journey or on unloading at the place of delivery the quantity of the ballast to which the document relates is found to be less than that stated in the document, the statement shall nevertheless be deemed for the purposes of this Act to be correct if, but only if, it is proved that the deficiency is solely attributable to the draining away of normal moisture from, or the consolidation of, the ballast during the journey.

## PART III

*Application to Scotland*

11. In the application of this Act to Scotland, paragraph 2 and Part II of this Schedule shall apply only to such areas as the Board may by order specify; and, in relation to any area so specified, a



sale of ballast in a quantity both less than two tons and less than two cubic yards shall be exempted from the requirements of the said paragraph 2 if the sale is effected, and the ballast is situated, in Scotland.

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## SCHEDULE 6

Section 21

## SOLID FUEL

## PART I

*General*

1. This Schedule applies to goods of any of the following descriptions (in this Schedule referred to as "solid fuel"), that is to say, coal, coke and any solid fuel derived from coal or of which coal or coke is a constituent.

2.—(1) Subject to sub-paragraphs (2) and (3) of this paragraph, solid fuel shall be sold only by net weight.

(2) There shall be exempted from the requirements of sub-paragraph (1) of this paragraph—

- (a) briquettes in a quantity not exceeding fourteen pounds ;
- (b) any solid fuel pre-packed in a securely closed container marked with an indication of quantity by net weight.

(3) In the case of any area in Scotland which the Board may by order specify for the purposes of this sub-paragraph, solid fuel for delivery in that area may be sold by volume in a quantity of half a cubic yard or a multiple of half a cubic yard.

3.—(1) Subject to sub-paragraph (3) of this paragraph, solid fuel shall be made up in a container for sale or for delivery after sale only if—

- (a) it is made up in one of the following quantities by net weight, that is to say, seven, fourteen, twenty-eight or fifty-six pounds, one hundredweight, one and a quarter hundredweight or a multiple of one hundredweight ; and
- (b) the container is marked with an indication of quantity by net weight.

(2) Subject to sub-paragraph (3) of this paragraph, solid fuel made up in containers in the quantity of one and a quarter hundredweight shall be carried on a road vehicle on a highway for sale or for delivery after sale only if all solid fuel carried on the vehicle which is made up in containers is so made up in that quantity ; and if this sub-paragraph is contravened the seller shall be guilty of an offence.

(3) There shall be exempted from all the requirements of sub-paragraphs (1) and (2) of this paragraph—

- (a) solid fuel supplied under arrangements made in the coal industry for the supply of solid fuel to persons who are or have been employed in that industry or to the dependants of such persons ;
- (b) solid fuel made up in a container only for ease of handling as part of the load of a vehicle or ship where the whole of that load so far as it consists of solid fuel is being delivered to a single buyer ;

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and there shall be exempted from the requirements of sub-paragraph (1)(a) of this paragraph any solid fuel pre-packed in a quantity not exceeding sixty pounds in a securely closed container.

4. Solid fuel shall be sold by means of, or offered or exposed for sale in, a vending machine only if there is displayed on or in the machine—

- (a) an indication of the quantity by net weight of the fuel comprised in each item for sale by means of that machine; and
- (b) except where the machine is on premises at which the seller carries on business, a statement of the name and address of the seller.

5.—(1) A local weights and measures authority may make byelaws, subject to the confirmation of the Minister of Power, for any of the following purposes, that is to say—

- (a) for securing that on any premises within their area on or from which solid fuel available for purchase in a quantity of two hundredweight or less is sold or kept or exposed for sale there is displayed a notice specifying the price of the fuel; and
- (b) for prohibiting the sale on or from any such premises of any such fuel at a higher price than that so displayed in relation to that fuel; and
- (c) for prescribing penalties not exceeding twenty pounds for any offence under such byelaws.

(2) Any byelaws made by a local authority for any of the purposes aforesaid under any enactment repealed by this Act, being byelaws which, immediately before the commencement of this Schedule, had effect for any of those purposes in relation to solid fuel or any description thereof, shall, so far as they make provision for any of those purposes, continue in force with the like effect until revoked by the authority by whom they were made, whether or not that authority are for the time being a local weights and measures authority and notwithstanding the repeal by this Act of the enactment under which the byelaws were made or of any other enactment by virtue of which the byelaws had effect with respect to solid fuel of any particular description.

6. Any person who with intent to defraud or deceive damps any solid fuel shall be guilty of an offence.

## PART II

### *Weighing of solid fuel at buyer's request*

7. If in the case of any solid fuel sold otherwise than by means of a vending machine the buyer so requests—

- (a) with respect to any of that fuel the delivery of which has not at the time of the request been completed; or
- (b) if the request is made before the departure from the premises at which the fuel is delivered of the person delivering it, with respect to any of that fuel the delivery of which has been completed but which is still capable of identification,

the seller shall cause the fuel to be weighed by means of suitable weighing equipment in the presence of the buyer and, in the case

of any fuel such as is mentioned in sub-paragraph (a) of this paragraph, before the delivery of that fuel is completed; and if this paragraph is contravened, the seller shall be guilty of an offence.

8. Where a request under paragraph 7 of this Schedule is made in respect of the whole load of a vehicle, the requirements of that paragraph shall be deemed to be satisfied, notwithstanding that the weighing is not done in the presence of the buyer, if the seller causes the vehicle to be check-weighed and the statements of the weights found by the person or persons attending to the check-weighing to be delivered to the buyer.

9. Where after any weighing in pursuance of a request under paragraph 7 of this Schedule the weight of the solid fuel is found to be not less than that marked on any container in which the fuel was made up or than that stated by the seller in any document delivered to the buyer at or before the delivery of the fuel to him, the buyer shall be liable to repay to the seller all costs reasonably incurred by the seller in connection with the weighing.

### PART III

#### *Carriage of solid fuel by road*

10. This Part of this Schedule shall have effect with respect to the carriage by a road vehicle on a journey any part of which is along a highway of any solid fuel required by paragraph 2 of this Schedule to be sold only by net weight (in this Part of this Schedule referred to as "relevant goods").

11.—(1) If the vehicle is carrying any relevant goods for delivery to a buyer in pursuance of, or of an agreement for, a sale of a quantity exceeding two hundredweight, then, subject to sub-paragraph (5) of this paragraph, there shall before the journey begins be delivered to the person in charge of the vehicle a document signed by or on behalf of the seller stating—

- (a) the name and address of the seller;
- (b) the name of the buyer and the address of the premises to which the goods to which the document relates are being delivered;
- (c) the type of the said goods;
- (d) subject to sub-paragraph (2) of this paragraph, the aggregate net weight of the said goods; and
- (e) where any of the said goods are made up in containers—
  - (i) the number of those containers; and
  - (ii) except where the whole of the relevant goods carried on the vehicle are for delivery to a single buyer, and except where the whole of the vehicle's load consists of such solid fuel as is mentioned in paragraph 3 (3) (a) of this Schedule, the net weight of the goods in each of those containers;

and if this sub-paragraph is contravened the seller shall be guilty of an offence.

(2) Where the whole of the vehicle's load consists of relevant goods not made up in containers and is being delivered to the same person at the same premises, the statement referred to in

Sch. 6 sub-paragraph (1) (d) of this paragraph shall not be required at any time while the vehicle is travelling between the place where it was loaded and the nearest suitable and available weighing equipment if the document aforesaid states that the quantity of the relevant goods is to be expressed by net weight determined by means of that equipment and specifies the place at which the equipment is situated.

(3) In any case to which the last foregoing sub-paragraph applies, the person in charge of the vehicle at the time when the net weight of the relevant goods is determined shall forthwith add to the document aforesaid a statement of that net weight, and if he fails so to do he shall be guilty of an offence.

(4) If the vehicle is carrying relevant goods to which sub-paragraph (1) of this paragraph applies for delivery to each of two or more buyers—

(a) that sub-paragraph shall apply separately in relation to each of those buyers ; and

(b) the relevant goods for delivery to each respectively of those buyers shall be carried on the vehicle made up separately in containers or in separate compartments ;

and if paragraph (b) of this sub-paragraph is contravened the seller shall be guilty of an offence :

Provided that the said paragraph (b) shall not apply where the vehicle is constructed or adapted for the mechanical making up in containers of the fuel carried thereon and incorporates weighing equipment approved by the Board for that purpose.

(5) Sub-paragraph (1) of this paragraph shall not apply to any goods which to the knowledge of the seller are to be loaded into a ship before their delivery to the buyer.

12. If all or any of the relevant goods on the vehicle are being carried in such circumstances that paragraph 11 (1) of this Schedule does not apply, there shall, before the journey begins, be delivered to the person in charge of the vehicle a document signed by or on behalf of the person causing the goods to be carried giving the name and address of the last-mentioned person and containing a statement to the effect that all or part of the relevant goods on the vehicle are goods to which the said paragraph 11 (1) does not apply, and if this paragraph is contravened the last-mentioned person shall be guilty of an offence :

Provided that this paragraph shall not apply where the total quantity of the relevant goods carried on the vehicle does not exceed two hundredweight.

13. Any document required by paragraph 11 or 12 of this Schedule shall at all times during the journey be carried by the person for the time being in charge of the vehicle and shall be handed over by him to any other person to whom he hands over the charge of the vehicle in the course of the journey ; and in the case of any document such as is mentioned in the said paragraph 11, on the unloading of the goods to which the document relates at the premises to which those goods are to be delivered—

(a) before any of those goods are so unloaded, the document shall be handed over to the buyer ; or

(b) if the document cannot be so handed over by reason of the absence of the buyer, it shall be left at some suitable place at those premises ;

and if at any time any of the requirements of this paragraph is contravened without reasonable cause, the person in charge of the vehicle at that time shall be guilty of an offence.

#### PART IV

##### *Carriage of solid fuel by rail*

14. Where any seller of solid fuel causes that fuel to be loaded into a rail vehicle by way of, or for the purpose of, the delivery of that fuel to, or to a person nominated in that behalf by, the buyer, and the fuel is not carried on the vehicle made up in containers, then, except where at the time of loading it is known to the seller that before the fuel is delivered to the consignee it is to be loaded into a ship, paragraphs 15 to 17 of this Schedule shall apply in relation to that vehicle.

15. Subject to paragraph 20 of this Schedule, the vehicle shall not be loaded until its tare weight has been determined or redetermined by means of suitable weighing equipment at the place of loading.

16. As soon as the loading has been completed and the seller has ascertained the weight of the vehicle with its load and the identity of the consignee, the seller shall cause to be attached to the vehicle a document stating—

- (a) the name of the seller and the place and date of weighing ;
- (b) the name of the consignee and the destination of the vehicle ;
- (c) sufficient particulars to identify the vehicle ;
- (d) the tare weight of the vehicle as determined or redetermined in pursuance of paragraph 15 of this Schedule or, if by virtue of paragraph 20 of this Schedule the said paragraph 15 does not apply to the vehicle, the tare weight of the vehicle expressed to be as estimated by the seller ;
- (e) the weight attributed to the solid fuel in the vehicle by the seller for the purpose of calculating its purchase price ;
- (f) the type of that fuel.

17.—(1) The following provisions of this paragraph shall have effect when the vehicle reaches its destination.

(2) The authority responsible for railway traffic at that destination shall—

- (a) permit the consignee and, subject to the production if so requested of his credentials, any inspector to inspect the document aforesaid ; and
- (b) permit the consignee either to take possession of that document after the vehicle is unloaded or to make a copy of the particulars stated therein ; and
- (c) if so requested by the consignee with respect to any such copy which the authority is satisfied is accurate, certify the accuracy thereof ;

and if any of the provisions of this sub-paragraph is contravened the said authority shall be guilty of an offence.

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(3) Any of the following persons, that is to say—

- (a) any inspector, subject to the production if so requested of his credentials ; or
- (b) the consignee, subject to his undertaking to pay any cost reasonably incurred,

may require the vehicle to be weighed either before or after or both before and after it is unloaded, and the vehicle shall be weighed accordingly unless it is certified by or on behalf of the authority aforesaid that in the circumstances of the particular case the carrying out of the weighing would cause undue dislocation of railway traffic at the vehicle's destination ; and any inspector who is present at any such weighing shall if so requested certify the weight found.

(4) If when the fuel is unloaded from the vehicle it is weighed accurately with accurate weighing equipment in the presence of an inspector, the inspector shall if so requested certify that it was so weighed and state in his certificate the weight found.

18. Where, in the case of any rail vehicle used on a journey to carry solid fuel which is not made up in containers, paragraphs 15 to 17 of this Schedule do not apply, the consignor shall cause to be attached to the vehicle before it starts on the journey a document stating the name of the consignor and the place of loading of the vehicle.

19. In the case of a contravention of paragraph 15 or 16 of this Schedule, the seller, or, in the case of a contravention of paragraph 18 of this Schedule, the consignor, shall be guilty of an offence ; and if in the case of any rail vehicle used on a journey to carry solid fuel—

- (a) the authority responsible for railway traffic at the place of loading or any person employed by that authority wilfully prevents or impedes the attachment to the vehicle of the document required by the said paragraph 16 or 18 ; or
- (b) any person, being a person concerned in the sale, carriage or delivery of that fuel, wilfully removes, defaces or alters any such document attached to the vehicle,

that authority or person shall be guilty of an offence.

20.—(1) Paragraph 15 of this Schedule shall not apply to any rail vehicle loaded at a mine of coal with respect to which it is certified by or on behalf of the National Coal Board—

- (a) that production of solid fuel is unlikely to continue after the expiration of the period of five years beginning with the date of the passing of this Act ; or
- (b) that in no year is the aggregate amount of solid fuel loaded as mentioned in paragraph 14 of this Schedule likely to exceed one hundred thousand tons ; or
- (c) that owing to a shortage of rail vehicles compliance with the said paragraph 15 would for the time being cause undue dislocation of the working of the mine ;

and if in the case of any other place any seller of solid fuel who uses that place for causing that fuel to be loaded as mentioned in paragraph 14 of this Schedule makes representations to the

Board of Trade that the provision at that place of weighing equipment suitable for determining the tare weight of rail vehicles is not reasonably practicable or would be unjustified on economic grounds and the Board of Trade are satisfied that there are grounds for those representations, the Board of Trade may direct that, subject to such conditions and for such period as may be specified in the direction, the said paragraph 15 shall not apply to any vehicle loaded at that place.

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(2) The National Coal Board shall cause notice in writing to be given forthwith to the local weights and measures authority within whose area the mine in question is situated of the issue or withdrawal of any certificate such as is mentioned in sub-paragraph (1) (c) of this paragraph, and if without reasonable cause they fail so to do they shall be guilty of an offence.

## SCHEDULE 7

Section 21.

## MISCELLANEOUS GOODS OTHER THAN FOODS

## PART I

*Liquid fuel and lubricants*

1. This Part of this Schedule applies to—
  - (a) liquid fuel, lubricating oil and any mixture of such fuel and oil; and
  - (b) lubricating grease.
2. Subject to paragraph 3 of this Part of this Schedule, goods to which this Part of this Schedule applies—
  - (a) unless pre-packed, shall be sold only by net weight or by capacity measurement;
  - (b) shall be pre-packed only if the container is marked with an indication of quantity either by net weight or by capacity measurement;
  - (c) in the case of lubricating oil in a quantity of one quart or less, shall be made up in a container for sale otherwise than by way of pre-packing only if the container is marked with an indication of quantity by capacity measurement.
3. Notwithstanding anything in paragraph 2 of this Part of this Schedule, liquid fuel—
  - (a) when not pre-packed may be sold by volume, and
  - (b) may be pre-packed in a container marked with an indication of quantity by volume,
 being in either case the volume of the gas which would be produced from the fuel in question at such temperature and such atmospheric pressure as are specified in regulations made by the Board with respect to fuel of the type in question or, if no such regulations are in force, as may be made known by the seller to the buyer before he pays for or takes possession of the fuel; and there shall be exempted from all requirements of the said paragraph 2 goods of any description in a quantity of less than half a pound or of less than half a pint.

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## PART II

*Ready-mixed cement mortar and ready-mixed concrete*

1. This Part of this Schedule applies to ready-mixed cement mortar and ready-mixed concrete.

2. Subject to paragraph 4 of this Part of this Schedule, any goods to which this Part of this Schedule applies shall be sold only by volume in a multiple of a quarter of a cubic yard:

Provided that there shall be exempted from the requirements of this paragraph any goods in a quantity of less than one cubic yard.

3. Part II of Schedule 5 to this Act, except sub-paragraph (3) of paragraph 7 thereof, shall apply for the purposes of this Part of this Schedule as if—

(a) any reference in the said Part II to ballast included a reference to goods to which this Part of this Schedule applies; and

(b) the reference in sub-paragraph (1) of the said paragraph 7 to paragraph 2 of the said Schedule 5 were a reference to paragraph 2 of this Part of this Schedule.

4. In the application of this Act to Scotland, paragraphs 2 and 3 of this Part of this Schedule shall apply only to such areas as the Board may by order specify; and, in relation to any area so specified, a sale of any goods to which this Part of this Schedule applies in a quantity of less than two cubic yards shall be exempted from the requirements of the said paragraph 2 if the sale is effected, and the goods are situated, in Scotland.

## PART III

*Agricultural liming materials, agricultural salt and inorganic fertilisers*

1. This Part of this Schedule applies—

(a) to agricultural liming materials, other than calcareous sand;

(b) to agricultural salt;

(c) to, and to any mixture consisting mainly of, inorganic fertilisers, other than such fertilisers or such a mixture made up into pellets or other articles for use as individual items; and

(d) to any mixture of any of the foregoing.

2.—(1) Goods to which this Part of this Schedule applies which are not pre-packed, other than liquid fertilisers, shall be sold only by quantity, being—

(a) quantity by net weight; or

(b) if the goods are sold in a container which does not exceed the permitted weight and the gross weight of the goods is not less than fifty-six pounds, quantity either by net weight or by gross weight; or

(c) quantity by volume.

(2) Goods to which this Part of this Schedule applies shall be pre-packed only if the container is marked with an indication of quantity, being—

(a) in the case of liquid fertilisers, quantity by capacity measurement;



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(b) in any other case, quantity by net weight or, if the container does not exceed the permitted weight and the gross weight of the goods is not less than fifty-six pounds, quantity either by net weight or by gross weight.

(3) In this paragraph, the expression "permitted weight" means a weight at the rate of twenty-four ounces per hundredweight of the gross weight.

(4) There shall be exempted from all requirements of this paragraph any sale of goods with a view to their industrial use.

3. Paragraphs 4 and 5 of Schedule 5 to this Act shall have effect as if any reference therein to ballast included a reference to any goods to which this Part of this Schedule applies.

#### PART IV

##### *Wood fuel*

1. Subject to paragraphs 2 and 3 of this Part of this Schedule—

(a) wood fuel which is not made up in a container for sale shall be sold by retail only by net weight;

(b) in the case of a sale by retail of wood fuel made up in a container for sale, the quantity by net weight of the fuel sold shall be made known to the buyer before he pays for or takes possession of it.

2.—(1) The foregoing paragraph shall not have effect in any area unless the local weights and measures authority having jurisdiction in that area so direct by byelaw.

(2) Not less than one month before making any byelaw by virtue of this paragraph, the local weights and measures authority shall give public notice of their intention to make it by advertisement in one or more newspapers circulating in the area to which the byelaw is to apply.

(3) The local weights and measures authority by whom any byelaw is made by virtue of this paragraph shall give notice of the making thereof to the Board.

3. There shall be exempted from the requirements of paragraph 1 of this Part of this Schedule any sale of wood fuel in a quantity which does not exceed fourteen pounds or which exceeds half a ton.

4. Paragraphs 5 and 6 of Schedule 6 to this Act shall have effect as if any reference therein to solid fuel included a reference to wood fuel.

#### PART V

##### *Perfumery and toilet preparations*

1. This Part of this Schedule applies to goods of any of the following descriptions, that is to say—

(a) perfumes and toilet waters;

(b) other toilet preparations for use on the hair or scalp of human beings;

(c) other toilet preparations for external use on any other part of the human body; and

(d) dentifrices,

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whether in liquid, solid or any other form, including any such goods which are medicated but are not pharmaceutical preparations, but excluding soap in any form.

2. Goods to which this Part of this Schedule applies shall be pre-packed only if the container is marked with an indication of quantity either by net weight or by volume :

Provided that there shall be exempted from the requirements of this paragraph—

- (a) any goods such as are mentioned in sub-paragraph (a) of the foregoing paragraph in a quantity not exceeding twelve grammes or not exceeding twenty cubic centimetres ;
- (b) any goods such as are mentioned in sub-paragraph (b) of the foregoing paragraph in a quantity not exceeding twenty grammes or not exceeding twenty cubic centimetres ;
- (c) any goods such as are mentioned in sub-paragraph (c) or (d) of the foregoing paragraph in a quantity not exceeding twelve grammes or not exceeding twelve cubic centimetres.

#### PART VI

##### *Soap*

1. Subject to paragraph 2 of this Part of this Schedule—

- (a) soap in the form of a cake, tablet or bar shall be pre-packed only if the container is marked with an indication of quantity by net weight ;
- (b) liquid soap shall be pre-packed only if the container is marked with an indication of quantity by capacity measurement ;
- (c) soap in any other form—
  - (i) unless pre-packed, shall be sold by retail only by net weight ;
  - (ii) shall be pre-packed only if the container is marked with an indication of quantity by net weight.

2. There shall be exempted from the requirements of this Part of this Schedule—

- (a) liquid soap in a quantity of less than five fluid ounces ;
- (b) soap in any other form in a quantity of less than one ounce.

#### PART VII

##### *Miscellaneous goods to be sold by or marked with length*

1. This Part of this Schedule applies to goods of any of the following descriptions, that is to say, bias binding, elastic, ribbon, tape and sewing thread.

2. Goods to which this Part of this Schedule applies—

- (a) unless pre-packed, shall be sold by retail only by length ;
- (b) shall be pre-packed only if the container is marked with an indication of quantity by length ;

Provided that there shall be exempted from all requirements of this paragraph goods of any description in a quantity of less than one yard.

## PART VIII

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*Miscellaneous goods to be sold by or marked with net weight*

1. This Part of this Schedule applies to—
  - (a) distemper ;
  - (b) articles offered as feed for household pets, being manufactured feed or bird feed, other than animal feed in biscuit or cake form pre-packed in a quantity by number not exceeding sixteen ;
  - (c) nails ;
  - (d) paste paint ;
  - (e) seeds, other than pea or bean seeds.
2. Subject to paragraph 3 of this Part of this Schedule, goods to which this Part of this Schedule applies—
  - (a) unless pre-packed, shall be sold by retail only by net weight ;
  - (b) shall be pre-packed only if the container is marked with an indication of quantity by net weight.
3. There shall be exempted from all requirements of this Part of this Schedule—
  - (a) any of the following in a quantity of less than half a pound, that is to say, distemper and paste paint ;
  - (b) bird seed in a quantity of less than four ounces, and other seeds in a quantity of less than half an ounce ;
  - (c) nails in a quantity of less than half an ounce ;
  - (d) any other goods in a quantity of less than one ounce ;and, notwithstanding anything in paragraph 2 of this Part of the Schedule, nails—
  - (i) when not pre-packed may be sold by retail by number ;
  - (ii) may be pre-packed in or on a container marked with an indication of quantity by number.

## PART IX

*Miscellaneous goods to be marked when pre-packed with net weight*

1. This Part of this Schedule applies to—
  - (a) Portland cement ;
  - (b) cleansing powders and scouring powders ;
  - (c) detergents, other than liquid detergents ;
  - (d) paint remover, other than liquid paint remover.
2. Subject to paragraph 3 of this Part of this Schedule, goods to which this Part of this Schedule applies shall be pre-packed only if the container is marked with an indication of quantity by net weight.
3. There shall be exempted from the requirements of this Part of this Schedule goods of any description in a quantity of less than one ounce.

## PART X

*Miscellaneous goods to be sold by or marked with capacity measurement*

1. This Part of this Schedule applies to antifreeze fluid for internal combustion engines, linseed oil, paint (other than paste paint), paint

SCH. 7 thinner, turpentine, turpentine substitute, varnish, and wood preservative fluid (including fungicides and insecticides).

2. Subject to paragraph 3 of this Part of this Schedule, goods to which this Part of this Schedule applies—

- (a) unless pre-packed, shall be sold by retail only by capacity measurement ;
- (b) shall be pre-packed only if the container is marked with an indication of quantity by capacity measurement.

3. There shall be exempted from all requirements of this Part of this Schedule goods of any description in a quantity of less than five fluid ounces.

#### PART XI

##### *Miscellaneous goods to be marked when pre-packed with capacity measurement*

1. This Part of this Schedule applies to enamel, lacquer, liquid detergents, liquid paint remover, petrifying fluid and rust remover.

2. Subject to paragraph 3 of this Part of this Schedule, goods to which this Part of this Schedule applies shall be pre-packed only if the container is marked with an indication of quantity by capacity measurement.

3. There shall be exempted from the requirements of this Part of this Schedule goods of any description in a quantity of less than five fluid ounces.

#### PART XII

##### *Miscellaneous goods to be sold by or marked with net weight or capacity measurement*

1. This Part of this Schedule applies to—

- (a) polishes ;
- (b) dressings analogous to polishes ;
- (c) pea seeds and bean seeds.

2. Subject to paragraph 3 of this Part of this Schedule, goods to which this Part of this Schedule applies—

- (a) unless pre-packed, shall be sold by retail only by net weight or by capacity measurement ;
- (b) shall be pre-packed only if the container is marked with an indication of quantity either by net weight or by capacity measurement.

3. The following shall be exempted from all the requirements of this Part of this Schedule, that is to say—

- (a) pea or bean seeds in a quantity of less than half a pound or of less than half a pint ;
- (b) any other goods in a quantity of less than one ounce or of less than one fluid ounce.

#### PART XIII

##### *Miscellaneous goods to be marked when pre-packed with quantity by number*

1. This Part of this Schedule applies—

- (a) to cheroots, cigarettes and cigars ;

- (b) to postal stationery, that is to say, paper or cards for use in correspondence, and envelopes ;
- (c) to, and to any mixture consisting mainly of, inorganic fertilisers, being such fertilisers or such a mixture made up into pellets or other articles for use as individual items ; and
- (d) to manufactured animal feed in biscuit or cake form pre-packed in a quantity by number of sixteen or less.

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2. Subject to paragraphs 3 and 4 of this Part of this Schedule, goods to which this Part of this Schedule applies shall be pre-packed only if the container is marked with an indication of quantity by number.

3. In relation to postal stationery, the reference to number in the last foregoing paragraph shall be construed as a reference to the number of sheets of paper, cards or envelopes, as the case may be, in the pad, confining band or other form of container ; and postal stationery shall be exempted from the requirements of that paragraph if pre-packed as part of a collection of articles made up for sale together and including any article other than postal stationery and blotting or other paper.

4. There shall be exempted from the requirements of this Part of this Schedule any goods in a quantity by number of one.

## SCHEDULE 8

Section 21

## COMPOSITE GOODS AND COLLECTIONS OF ARTICLES

1.—(1) This paragraph applies to any goods which, not being pre-packed, and not themselves being goods—

- (a) required by or under any other provision of this Act to be sold (whether on any sale or on a sale of any particular description) only by quantity expressed in a particular manner ; or
- (b) on a sale of which (whether any sale or a sale of any particular description) the quantity of the goods sold expressed in a particular manner is required by or under any other provision of this Act to be made known to the buyer at or before a particular time ; or
- (c) expressly exempted by or under any other provision of this Act from all such requirements as aforesaid which would otherwise apply thereto,

consist of a mixture constituted wholly or mainly of goods of one or more descriptions to which there applies any such requirement as aforesaid made by reference to any of the following (whether exclusively or otherwise), that is to say, weight, capacity measurement or volume.

(2) Subject to paragraph 5 of this Schedule, goods to which this paragraph applies shall be sold only by net weight or by capacity measurement or by volume.

2.—(1) This paragraph applies to any goods which, not being aerosol products and not themselves being goods—

- (a) required by or under any other provision of this Act to be pre-packed only if the container is marked with an indication of quantity ; or

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- (b) in the case of which when sold pre-packed (whether on any sale or on a sale of any particular description) the quantity of the goods sold expressed in a particular manner is required by or under any other provision of this Act to be made known to the buyer at or before a particular time ; or
- (c) expressly exempted by or under any other provision of this Act from all such requirements as aforesaid which would otherwise apply thereto,

consist of a mixture constituted wholly or mainly of goods of one or more descriptions to which there applies any such requirement as aforesaid made by reference to any of the following (whether exclusively or otherwise), that is to say, weight, capacity measurement or volume.

(2) Subject to paragraph 5 of this Schedule, goods to which this paragraph applies shall be pre-packed only if the container is marked with an indication of quantity either by net weight or by capacity measurement or by volume.

3.—(1) This paragraph applies to aerosol products containing any goods required by or under any other provision of this Act to be pre-packed only if the container is marked with an indication of quantity expressed in a particular manner.

(2) Subject to paragraph 5 of this Schedule, any aerosol product to which this paragraph applies shall be pre-packed only if the container is marked with an indication of the quantity by net weight of the entire contents thereof.

4.—(1) This paragraph applies to any collection of two or more items which, not itself being—

- (a) required by or under any other provision of this Act to be pre-packed only if the container is marked with particular information ; or
- (b) expressly exempted by or under any other provision of this Act from any such requirement which would otherwise apply thereto,

contains one or more articles to which any such requirement applies.

(2) Any collection to which this paragraph applies shall be pre-packed only if—

- (a) the container in which the collection is pre-packed is marked with an indication of the quantity of each of any such articles as aforesaid contained therein ; or
- (b) each of any such articles contained therein is made up in an individual container marked with an indication of quantity,

being in either case the like indication of the quantity of each respectively of those articles as would have been required if that article had itself been pre-packed.

5. There shall be exempted from any requirement of paragraph 1, 2 or 3 of this Schedule goods of any description in a quantity of less than one ounce or of less than one fluid ounce.

## SCHEDULE 9

## Section 63.

## REPEALS EXTENDING TO GREAT BRITAIN

## PART I

*Enactments repealed as from six months after passing of this Act*

| Chapter                 | Short Title                                          | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-------------------------|------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 41 & 42 Vict.<br>c. 49. | The Weights and Measures Act 1878.                   | The whole Act except sections 62 and 86 and so much of Schedule 6 as relates to section 6 of the Weights and Measures Act 1859.<br>In section 86, the words from "provided that" onwards.<br>In the said section 6 as set out in Schedule 6, the words from "and shall have" to "situate".                                                                                                                                                                                                                        |
| 45 & 46 Vict.<br>c. 50. | The Municipal Corporations Act 1882.                 | In section 152 (2), the words from "or, in the" to "for the county".                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 50 & 51 Vict.<br>c. 27. | The Markets and Fairs (Weighing of Cattle) Act 1887. | In section 4, the words from "The market authority shall have" to "such market authority".                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 50 & 51 Vict.<br>c. 58. | The Coal Mines Regulation Act 1887.                  | Section 15.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 51 & 52 Vict.<br>c. 41. | The Local Government Act 1888.                       | In section 3 (xiii), the words "to weights and measures".                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 52 & 53 Vict.<br>c. 21. | The Weights and Measures Act 1889.                   | Sections 1 to 3.<br>In section 4, the words "the principal Act or".<br>Sections 6 to 19.<br>In section 21 (3), the words "or other officer appointed for the purpose by the local authority".<br>Section 25.<br>In section 27 (1), the words "or other officer appointed for the purpose by the local authority".<br>In section 29 (1), the words "or officer appointed for the purpose by the local authority".<br>Section 34.<br>Section 35 from "Provided that" onwards.<br>Section 39 from "and the" onwards. |

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| Chapter                   | Short Title                                        | Extent of Repeal                                                                                                                                                                         |
|---------------------------|----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 52 & 53 Vict.<br>c. 50.   | The Local Government (Scotland) Act 1889.          | In section 11 (5) (i), the words "to weights and measures".                                                                                                                              |
| 55 & 56 Vict.<br>c. 18.   | The Weights and Measures (Purchase) Act 1892.      | The whole Act                                                                                                                                                                            |
| 55 & 56 Vict.<br>c. 55.   | The Burgh Police (Scotland) Act 1892.              | In section 431, the words "1878 and".                                                                                                                                                    |
| 56 & 57 Vict.<br>c. 19.   | The Weights and Measures Act 1893.                 | The whole Act.                                                                                                                                                                           |
| 60 & 61 Vict.<br>c. 46.   | The Weights and Measures (Metric System) Act 1897. | The whole Act.                                                                                                                                                                           |
| 4 Edw. 7. c. 28.          | The Weights and Measures Act 1904.                 | The whole Act.                                                                                                                                                                           |
| 8 Edw. 7. c. 17.          | The Cran Measures Act 1908.                        | Section 10.                                                                                                                                                                              |
| 10 & 11 Geo. 5.<br>c. 67. | The Government of Ireland Act 1920.                | In section 4 (1), in paragraph (12), the words "any change in the standard of weights and measures; or".                                                                                 |
| 13 & 14 Geo. 5.<br>c. 4.  | The Fees (Increase) Act 1923.                      | Section 6.                                                                                                                                                                               |
| 16 & 17 Geo. 5.<br>c. 8.  | The Weights and Measures (Amendment) Act 1926.     | The whole Act.                                                                                                                                                                           |
| 16 & 17 Geo. 5.<br>c. 63. | The Sale of Food (Weights and Measures) Act 1926.  | Section 10 (4).<br>Section 13 (3).                                                                                                                                                       |
| 18 & 19 Geo. 5.<br>c. 32. | The Petroleum (Consolidation) Act 1928.            | In section 20 (1), the words "not exceeding twenty shillings", the words "and to be verified", and the words "verified and" in the last two places where those words occur.              |
| 23 & 24 Geo. 5.<br>c. 31. | The Agricultural Marketing Act 1933.               | Section 20.                                                                                                                                                                              |
| 4 & 5 Eliz. 2.<br>c. 16.  | The Food and Drugs Act 1955.                       | Section 56 (3).<br>In section 123 (6), the words from "or the" to "may be".                                                                                                              |
| 4 & 5 Eliz. 2.<br>c. 30.  | The Food and Drugs (Scotland) Act 1956.            | Section 56 (7).                                                                                                                                                                          |
| 9 & 10 Eliz. 2.<br>c. 34. | The Factories Act 1961.                            | In section 125 (2) (j), the words from "and with respect" onwards.<br>Section 144.<br>In section 176 (1), in the definition of "inspector" the words "except where otherwise expressed". |



## PART II

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*Enactments repealed as from two years after passing of this Act*

| Chapter                   | Short Title                                          | Extent of Repeal                                                                                                                                                                                                                                          |
|---------------------------|------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 36 Geo. 3.<br>c. 88.      | The Hay and Straw Act 1796.                          | Sections 2, 3, 6, 7 and 13.<br>In section 14, the words "less weight or"; the words from "weighed either" to "agent, or" and the words from "unless" onwards.                                                                                             |
| 10 & 11 Vict.<br>c. 14.   | The Markets and Fairs Clauses Act 1847.              | Sections 21 and 22.<br>The following provisions, including those provisions as incorporated in any other Act, that is to say, sections 23 and 25 to 30, and in section 42 the words from "For regulating the use of the weighing machines" to "measures". |
| 19 & 20 Vict.<br>c. 114.  | The Hay and Straw Act 1856.                          | Section 2.<br>In section 3, the words "is deficient in weight or quantity or", the words "weigh and", the words "weighing or", and the words "deficient in weight or quantity" in the second place where those words occur.                               |
| 50 & 51 Vict.<br>c. 27.   | The Markets and Fairs (Weighing of Cattle) Act 1887. | Sections 6 and 7.                                                                                                                                                                                                                                         |
| 52 & 53 Vict.<br>c. 21.   | The Weights and Measures Act 1889.                   | The whole Act.                                                                                                                                                                                                                                            |
| 55 & 56 Vict.<br>c. 55.   | The Burgh Police (Scotland) Act 1892.                | Section 417 from the beginning to the words "time of weighing".<br>Sections 419 to 426.<br>Section 430.<br>In section 431, the words from "under the Weights" to "1889 and" and the words from "and the magistrates" onwards.                             |
| 8 Edw. 7. c. 62           | The Local Government (Scotland) Act 1908.            | In section 10, the words "four hundred and nineteen to four hundred and twenty-five inclusive and four hundred and thirty".                                                                                                                               |
| 16 & 17 Geo. 5.<br>c. 63. | The Sale of Food (Weights and Measures) Act 1926.    | The whole Act.                                                                                                                                                                                                                                            |

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## SCH. 9

| Chapter                             | Short Title                                                 | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------------------------------|-------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 26 Geo. 5 &<br>1 Edw. 8.<br>c. 38.  | The Weights and Measures Act 1936.                          | The whole Act.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 26 Geo. 5. &<br>1 Edw. 8.<br>c. 54. | The Weights and Measures, Sale of Coal (Scotland) Act 1936. | The whole Act.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 1 & 2 Eliz. 2.<br>c. 46.            | The Licensing Act 1953                                      | Section 130.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 4 & 5 Eliz. 2.<br>c. 16.            | The Food and Drugs Act 1955.                                | In section 7 (1), the words " but subject to the next following subsection ", and section 7 (2).<br>Section 57 (2) and (3).<br>Section 59.<br>Section 60 (a).<br>Section 87 (3) (a) from " or local " onwards.<br>Section 102.<br>Section 109 (2) (b).<br>Section 114 (4) (b).<br>Section 133.<br>So much of Schedule 8 as relates to the Board of Trade.<br>In Schedule 9, in the second column of the entry relating to section 320 of the Public Health Act 1936 and in the second column of the entry relating to sections 321 to 325 of that Act, in paragraph (c), the words from " other " to " Trade " and paragraph (d).<br>In Schedule 10, in paragraph 1 (b), the words from " other " to " Trade ", and paragraph 2 (b). |
| 4 & 5 Eliz. 2.<br>c. 30.            | The Food and Drugs (Scotland) Act 1956.                     | Section 7 (2).<br>Section 36 (7).<br>In section 56 (8) (g), the words " or, as the case may be, the Board of Trade ".<br>Section 58 (4).<br>Section 60 (5) (b).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 7 & 8 Eliz. 2.<br>c. 51.            | The Licensing (Scotland) Act 1959.                          | Section 148.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

## PART III

SCH. 9

*Local enactments repealed as from two years after passing of this Act*

| Chapter                    | Short Title                                                                                        | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                     |
|----------------------------|----------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5 Geo. 4. c. cix.          | The Maidstone Markets Act 1824.                                                                    | In section 37, the words from "and for the appointing" to "deceitful weights or measures".                                                                                                                                                                                                                                                                                           |
| 9 Geo. 4. c. xxvi.         | The Stalybridge Police Act 1828.                                                                   | In section 107, the words from "and for the appointing" to "deceitful weights or measures".<br>In section 110, the words from "and all false" onwards.<br>Sections 120 to 122.<br>Section 43.<br>Sections 47 to 58.                                                                                                                                                                  |
| 1 & 2 Will. 4. c. lxxvi.   | An Act for regulating the Vend and Delivery of Coals in the Cities of London and Westminster, etc. | Sections 204 to 209.<br>In section 217, the words "and the weighing machines in or near the same" and the words from "For regulating the use" to "defective weights and measures".<br>Section 38.                                                                                                                                                                                    |
| 8 & 9 Vict. c. xv.         | The Chester Improvement Act 1845.                                                                  | Section 34.                                                                                                                                                                                                                                                                                                                                                                          |
| 17 & 18 Vict. c. viii.     | The Warrington Improvement and Market Act 1854.                                                    | In section 115, in the paragraph beginning "Fourthly", the words "and measure" and the words from "and the weighing" onwards; and in the paragraph beginning "Fifthly" the words "coals and".<br>In section 151, the paragraphs beginning "Third" and "Fourth"; and in the paragraph beginning "Fifth" the words "weight or quantity".<br>Sections 165, 166 and 172.<br>Section 119. |
| 17 & 18 Vict. c. xxxi.     | The Hereford Improvement Act 1854.                                                                 | Sections 13 and 14.                                                                                                                                                                                                                                                                                                                                                                  |
| 17 & 18 Vict. c. ci.       | The Kingston-upon-Hull Improvement Act 1854.                                                       | Sections 123 to 128.<br>In section 138, the words "and weighing machines".                                                                                                                                                                                                                                                                                                           |
| 18 & 19 Vict. c. clxxviii. | The Shrewsbury Improvement Act 1855.                                                               |                                                                                                                                                                                                                                                                                                                                                                                      |
| 19 Vict. c. xvii.          | The Cambridge Award Act 1856.                                                                      |                                                                                                                                                                                                                                                                                                                                                                                      |
| 25 & 26 Vict. c. ccv.      | The Salford Improvement Act 1862.                                                                  |                                                                                                                                                                                                                                                                                                                                                                                      |

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| Chapter                     | Short Title                                          | Extent of Repeal                                                                                                                                                                                                      |
|-----------------------------|------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 26 & 27 Vict.<br>c. 32.     | The Local Government Supplemental Act 1863.          | In the sixth of the orders set out in the Schedule, being the second of those orders relating to Kingston-upon-Hull, article 11, and in article 17, in the paragraph beginning "Seventifly", the words "quantity or". |
| 28 & 29 Vict.<br>c. ccl.    | The Newcastle-upon-Tyne Improvement Act 1865.        | Sections 95 and 96.                                                                                                                                                                                                   |
| 28 & 29 Vict.<br>c. cccxi.  | The Oldham Borough Improvement Act 1865.             | Sections 180 to 186.                                                                                                                                                                                                  |
| 31 & 32 Vict.<br>c. civ.    | The Barrow-in-Furness Corporation Act 1868.          | Sections 139 to 145.                                                                                                                                                                                                  |
| 32 & 33 Vict.<br>c. cxx.    | The St. Helens Improvement Act 1869.                 | Section 209.<br>Sections 211 to 216.<br>In section 217, the words "For regulating the use of weighing machines provided by the corporation".                                                                          |
| 32 & 33 Vict.<br>c. cxxxi.  | The Wolverhampton Improvement Act 1869.              | Section 218.<br>Sections 211 to 219.                                                                                                                                                                                  |
| 34 & 35 Vict.<br>c. cliv.   | The Burnley Borough Improvement Act 1871.            | Sections 275 to 282.                                                                                                                                                                                                  |
| 37 & 38 Vict.<br>c. cxxiv.  | The Wigan Improvement Act 1874.                      | Section 62.                                                                                                                                                                                                           |
| 37 & 38 Vict.<br>c. cxciv.  | The Nottingham Improvement Act 1874.                 | Section 84.<br>In section 86, the words from "and to any weighing machine" onwards.                                                                                                                                   |
| 38 & 39 Vict.<br>c. cciv.   | The Barrow-in-Furness Corporation Act 1875.          | Section 87.<br>In section 106, the words from "Every person selling" to "purchaser" and the word "quantity" where it last occurs.                                                                                     |
| 41 & 42 Vict.<br>c. lxxxiv. | The Clitheroe Corporation Act 1878.                  | In section 58, the words from "and every person vending, selling" to "forty shillings".                                                                                                                               |
| 42 & 43 Vict.<br>c. ccxv.   | The Derby Improvement Act 1879.                      | In section 123, the words from "Every person selling" to "purchaser thereof" and the words "weight and".                                                                                                              |
| 43 & 44 Vict.<br>c. cxlvii. | The Oldham Improvement Act 1880.                     | Part VII.<br>Section 180 (2) and (3).                                                                                                                                                                                 |
| 44 & 45 Vict.<br>c. lxxii.  | The Leicester Improvement Act 1881.                  | Section 45.                                                                                                                                                                                                           |
| 45 & 46 Vict.<br>c. clxxii. | The Newcastle-upon-Tyne Improvement Act 1882.        | Section 75.                                                                                                                                                                                                           |
| 46 & 47 Vict.<br>c. lxx.    | The Birmingham Corporation (Consolidation) Act 1883. | Part IX.                                                                                                                                                                                                              |
| 46 & 47 Vict.<br>c. cxliv.  | The Hartlepool Borough Extension Act 1883.           | Section 61.                                                                                                                                                                                                           |

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| Chapter                        | Short Title                                          | Extent of Repeal                                                               |
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| 47 & 48 Vict.<br>c. ccxxxii.   | The York Extension and Improvement Act 1884.         | In Schedule 2, sections 109, 111 and 113 of the Act of 1825.                   |
| 48 & 49 Vict.<br>c. cxcvi.     | The Hastings Improvement Act 1885.                   | Section 101.                                                                   |
| 49 & 50 Vict.<br>c. lxxviii.   | The Ashton-under-Lyne Improvement Act 1886.          | Section 143.                                                                   |
| 7 Edw. 7. c.<br>cxlvi.         | The Glasgow Corporation Act 1907.                    | Part VIII, except sections 59 (1) and 64.<br>Schedules 4 and 5.<br>Section 78. |
| 3 & 4 Geo. 5.<br>c. xcii.      | The Derby Corporation Act 1913.                      | Section 127.                                                                   |
| 3 & 4 Geo. 5.<br>c. cxii.      | The Morley Corporation Act 1913.                     | Sections 122 and 123.                                                          |
| 5 & 6 Geo. 5.<br>c. xv.        | The Doncaster Corporation Act 1915.                  | Section 162.                                                                   |
| 5 & 6 Geo. 5.<br>c. lxxvii.    | The Lincoln Corporation Act 1915.                    | Part XXII.                                                                     |
| 8 & 9 Geo. 5.<br>c. lxi.       | The Sheffield Corporation (Consolidation) Act 1918.  | Section 93.                                                                    |
| 10 & 11 Geo. 5.<br>c. xc.      | The Lowestoft Corporation Act 1920.                  | Part V.                                                                        |
| 12 & 13 Geo. 5.<br>c. lxiv.    | The Swansea Corporation Act 1922.                    | Part VII.                                                                      |
| 12 & 13 Geo. 5.<br>c. lxxvi.   | The Birmingham Corporation Act 1922.                 | Part X.                                                                        |
| 14 & 15 Geo. 5.<br>c. xcix.    | The Tynemouth Corporation Act 1924.                  | Part XI.                                                                       |
| 15 & 16 Geo. 5.<br>c. xcii.    | The Burnley Corporation Act 1925.                    | Part IX.                                                                       |
| 16 & 17 Geo. 5.<br>c. lxxii.   | The Chorley Corporation Act 1926.                    | Part V.<br>Section 32.                                                         |
| 16 & 17 Geo. 5.<br>c. cii.     | The Newcastle-upon-Tyne Corporation Act 1926.        | In the scheduled order, section 71.                                            |
| 17 & 18 Geo. 5.<br>c. lix.     | The Glasgow Corporation Order Confirmation Act 1927. | Sections 55 and 56.                                                            |
| 18 & 19 Geo. 5.<br>c. lxxvii.  | The London County Council (General Powers) Act 1928. | Part XVII.                                                                     |
| 18 & 19 Geo. 5.<br>c. lxxxvii. | The Sheffield Corporation Act 1928.                  | Part IX.<br>Section 94.                                                        |
| 18 & 19 Geo. 5.<br>c. c.       | The Stoke-on-Trent Corporation Act 1928.             | Part VIII.                                                                     |
| 18 & 19 Geo. 5.<br>c. cxi.     | The Rotherham Corporation Act 1928.                  | Sections 84 to 88.<br>Part XIV.                                                |
| 19 & 20 Geo. 5.<br>c. xcvi.    | The Chester Corporation Act 1929.                    | In section 250, the words from "and in such application" onwards.              |
| 20 & 21 Geo. 5.<br>c. xiv.     | The Greenock Burgh Order Confirmation Act 1929.      | In the scheduled order—<br>Part V, except section 28 (1).<br>The Schedules.    |

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| Chapter                          | Short Title                                                      | Extent of Repeal                                                                                            |
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| 20 & 21 Geo. 5.<br>c. xxxviii.   | The Birmingham Corporation (General Powers) Act 1929.            | Part IX.                                                                                                    |
| 20 & 21 Geo. 5.<br>c. lxxxii.    | The Birkenhead Corporation Act 1930.                             | Section 100.                                                                                                |
| 20 & 21 Geo. 5.<br>c. cxix.      | The Leeds Corporation Act 1930.                                  | Section 67.                                                                                                 |
| 20 & 21 Geo. 5.<br>c. clxxvi.    | The Rotherham Corporation Act 1930.                              | Sections 79 and 80.                                                                                         |
| 20 & 21 Geo. 5.<br>c. clxxx.     | The Bristol Corporation (No. 2) Act 1930.                        | Part VI.                                                                                                    |
| 20 & 21 Geo. 5.<br>c. clxxxi.    | The Bournemouth Corporation Act 1930.                            | Part IX.<br>Section 235.<br>In section 284, the words from "Provided that" onwards.                         |
| 20 & 21 Geo. 5.<br>c. clxxxviii. | The Southport Corporation Act 1930.                              | Part XII.                                                                                                   |
| 21 & 22 Geo. 5.<br>c. xvii.      | The Gillingham Corporation Act 1931.                             | Part VII.                                                                                                   |
| 21 & 22 Geo. 5.<br>c. xliii.     | The Portsmouth Corporation Act 1931.                             | Part IX.<br>Section 122.<br>In section 145, the words from "and (ii)" onwards.                              |
| 21 & 22 Geo. 5.<br>c. ci.        | The Surrey County Council Act 1931.                              | Part VI.                                                                                                    |
| 21 & 22 Geo. 5.<br>c. cix.       | The Brighton Corporation Act 1931.                               | Section 223.                                                                                                |
| 22 & 23 Geo. 5.<br>c. xxv.       | The Cambridge Corporation Act 1932.                              | Part IV.                                                                                                    |
| 23 & 24 Geo. 5.<br>c. xlv.       | The Essex County Council Act 1933.                               | Part VIII.                                                                                                  |
| 23 & 24 Geo. 5.<br>c. lxxiv.     | The Dewsbury Corporation Act 1933.                               | Part VI.                                                                                                    |
| 23 & 24 Geo. 5.<br>c. lxxx.      | The Wigan Corporation Act 1933.                                  | Part VIII.                                                                                                  |
| 24 & 25 Geo. 5.<br>c. v.         | The Edinburgh Corporation Order Confirmation Act 1933.           | In the scheduled order—<br>Part XVI, except sections 254, 256 and 263.<br>Section 256 (3).<br>Schedule 10.  |
| 25 & 26 Geo. 5.<br>c. lvi.       | The Kilmarnock Burgh Extension etc. Order Confirmation Act 1935. | In the scheduled order—<br>Part VII, except sections 98, 99, 106 and 120.<br>Section 99 (3).<br>Schedule 3. |
| 25 & 26 Geo. 5.<br>c. lxxxvii.   | The Gloucester Corporation Act 1935.                             | Part X.                                                                                                     |
| 25 & 26 Geo. 5.<br>c. xcvi.      | The South Shields Corporation Act 1935.                          | Part VIII.                                                                                                  |
| 25 & 26 Geo. 5.<br>c. cii.       | The Exeter Corporation Act 1935.                                 | Part IX.                                                                                                    |
| 25 & 26 Geo. 5.<br>c. cxiii.     | The Hertfordshire County Council Act 1935.                       | Part VIII.                                                                                                  |
| 25 & 26 Geo. 5.<br>c. cxix.      | The Nottingham Corporation Act 1935.                             | Part V.                                                                                                     |

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| Chapter                                   | Short Title                                                    | Extent of Repeal                                                                                                                 |
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| 25 & 26 Geo. 5.<br>c. cxxi.               | The Weymouth and Melcombe Regis Corporation Act 1935.          | Section 139.<br>Section 145 (b)                                                                                                  |
| 25 & 26 Geo. 5.<br>c. cxxv.               | The Sunderland Corporation Act 1935.                           | Part X, except section 224.<br>Part XI.<br>Section 286 (1) (d).<br>Part VIII.                                                    |
| 26 Geo. 5 & 1<br>Edw. 8. c.<br>cix.       | The Coventry Corporation Act 1936.                             | Part VIII.                                                                                                                       |
| 1 Edw. 8. and<br>1 Geo. 6.<br>c. iii.     | The Greenock Burgh Extension etc. Order Confirmation Act 1937. | In the scheduled order—<br>Section 67 (3).<br>Sections 68 to 73.<br>Sections 75 to 77.                                           |
| 1 Edw. 8. and<br>1 Geo. 6.<br>c. xxxv.    | The West Ham Corporation Act 1937.                             | Part VIII.<br>In section 111, the words "or Part VIII (Sale of coke etc.)".                                                      |
| 1 Edw. 8. and<br>1 Geo. 6.<br>c. lix.     | The Warrington Corporation Act 1937.                           | Section 31.<br>Sections 33 to 35.<br>Part V.                                                                                     |
| 1 Edw. 8. and<br>1 Geo. 6.<br>c. lxxvii.  | The Rochdale Corporation Act 1937.                             | Part VIII.<br>Section 65.<br>In section 73, paragraph (a) and the words "(b) in all other cases".                                |
| 1 Edw. 8. and<br>1 Geo. 6.<br>c. lxxviii. | The Hastings Corporation (General Powers) Act 1937.            | Parts XI and XII.<br>Section 142 (a).                                                                                            |
| 1 Edw. 8. and<br>1 Geo. 6.<br>c. lxxx.    | The Rotherham Corporation Act 1937.                            | Section 77.<br>Section 87 (1) (b).<br>In section 89, the words "Section 77 (As to personal weighing machines)".                  |
| 1 Edw. 8. and<br>1 Geo. 6.<br>c. cxvii.   | The Bath Corporation Act 1937.                                 | Part V.<br>Section 52.<br>In section 59, paragraph (a) and the words "(b) in all other cases".                                   |
| 1 Edw. 8. and<br>1 Geo. 6.<br>c. cxxii.   | The Southampton Corporation Act 1937.                          | Part VII.                                                                                                                        |
| 1 & 2 Geo. 6.<br>c. xl.                   | The Wakefield Corporation Act 1938.                            | Part XII.<br>Section 156.<br>Section 167 (b).<br>In section 169, the words "and Section 156 (As to personal weighing machines)". |
| 1 & 2 Geo. 6.<br>c. xlii.                 | The Gateshead Corporation Act 1938.                            | Part V.<br>Section 88 from "except" onwards.                                                                                     |

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| Chapter                       | Short Title                                                            | Extent of Repeal                                                                                                                                                                              |
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| 1 & 2 Geo. 6.<br>c. lxxxvi.   | The Guildford Corporation Act 1938.                                    | Part VIII.<br>Section 83.<br>In section 87, the words " and VIII " and the words from " or by " onwards.<br>Section 90 (c).                                                                   |
| 2 & 3 Geo. 6.<br>c. iii.      | The Aberdeen Corporation (General Powers) Order Confirmation Act 1938. | In the scheduled order—<br>Section 116 (3) and (4).<br>Sections 117 to 129.<br>Schedule 4.<br>In Schedule 5 the entries relating to sections 117 and 127.                                     |
| 2 & 3 Geo. 6.<br>c. lxx.      | The Stirling Burgh Order Confirmation Act 1939.                        | In the scheduled order, sections 98 and 100 to 102.                                                                                                                                           |
| 2 & 3 Geo. 6.<br>c. lxxxii.   | The Walsall Corporation Act 1939.                                      | Part VI.<br>Section 142.<br>Section 154 (1) (b).<br>In section 155, the words " and to Part VI (Sale of coke coal etc.) ".<br>In section 156, the words " Part VI (Sale of coke coal etc.) ". |
| 2 & 3 Geo. 6.<br>c. lxxxv.    | The Bootle Corporation Act 1939.                                       | Part VII.                                                                                                                                                                                     |
| 2 & 3 Geo. 6.<br>c. xcii.     | The Lanarkshire County Council Order Confirmation Act 1939.            | In the scheduled order—<br>Section 240 (3).<br>Sections 241 to 254.<br>Schedule 9.                                                                                                            |
| 3 & 4 Geo. 6.<br>c. xliii.    | The Fife County Council Order Confirmation Act 1940.                   | In the scheduled order—<br>Section 210 (3).<br>Sections 211 to 226.                                                                                                                           |
| 7 & 8 Geo. 6.<br>c. xxi.      | The Middlesex County Council Act 1944.                                 | Section 441.                                                                                                                                                                                  |
| 8 & 9 Geo. 6.<br>c. xiv.      | The South Shields Corporation Act 1945.                                | Part VII.<br>In section 69, the words " and Part VII (Sale of coke coal etc.) ".                                                                                                              |
| 9 & 10 Geo. 6.<br>c. x.       | The Reigate Corporation Act 1945.                                      | Part X.                                                                                                                                                                                       |
| 9 & 10 Geo. 6.<br>c. xxxviii. | The Manchester Corporation Act 1946.                                   | Section 55.<br>In section 60, paragraph (1) and the words " and in all other cases ".                                                                                                         |
| 9 & 10 Geo. 6.<br>c. xliii.   | The West Sussex County Council Act 1946.                               | Part II.                                                                                                                                                                                      |
| 10 & 11 Geo. 6.<br>c. xxvii.  | The Dudley Corporation Act 1947.                                       | Part VIII.<br>Section 125.<br>In section 126 the words " and 'As to personal weighing machines' ".<br>Section 128 (b).                                                                        |



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| Chapter                              | Short Title                                               | Extent of Repeal                                                                                                                                                                                                             |
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| 10 & 11 Geo. 6.<br>c. xxxiii.        | The Southend - on - Sea Corporation Act 1947.             | Part XII.<br>Section 183.<br>Section 205 (1) (c).                                                                                                                                                                            |
| 10 & 11 Geo. 6.<br>c. xxxvii.        | The Paisley Corporation Order Confirmation Act 1947.      | In the scheduled order, sections 87 to 90, 92 and 93.                                                                                                                                                                        |
| 10 & 11 Geo. 6.<br>c. xlv.           | The Preston Corporation Act 1947.                         | Sections 113, 115 and 116.<br>Part VIII.<br>Section 144.<br>In section 169 (a), the word "respective" and the words "and 'As to personal weighing machines'".<br>In section 171, the words "Part VIII (Sale of coke, etc.)". |
| 11 & 12 Geo. 6.<br>c. xxxv.          | The Salford Corporation Act 1948.                         | Part V.<br>Section 51.<br>Section 55 (b).                                                                                                                                                                                    |
| 11 & 12 Geo. 6.<br>c. xxxvii.        | The Coventry Corporation Act 1948.                        | Section 61, except subsection (1).<br>Sections 62 to 65.<br>Section 75 (b).                                                                                                                                                  |
| 11 & 12 Geo. 6.<br>c. xxxviii.       | The Brighton Corporation Act 1948.                        | Part IX.<br>Section 69.<br>Section 77 (a).                                                                                                                                                                                   |
| 11 & 12 Geo. 6.<br>c. xli.           | The Ipswich Corporation Act 1948.                         | Part X.<br>Section 190.<br>Section 197 (1) (e).                                                                                                                                                                              |
| 11 & 12 Geo. 6.<br>c. xliii.         | The Cumberland County Council Act 1948.                   | Part IV.                                                                                                                                                                                                                     |
| 11 & 12 Geo. 6.<br>c. xlvii.         | The Rochdale Corporation Act 1948.                        | Part X.                                                                                                                                                                                                                      |
| 11 & 12 Geo. 6.<br>c. xlix.          | The Smethwick Corporation Act 1948.                       | Part X.<br>Section 91.<br>In section 97, paragraphs (a) and (b) and the words "in all other cases".                                                                                                                          |
| 11 & 12 Geo. 6.<br>c. lii.           | The West Riding County Council (General Powers) Act 1948. | Sections 54 to 56.                                                                                                                                                                                                           |
| 12, 13 & 14<br>Geo. 6. c.<br>xxxvii. | The Huddersfield Corporation Act 1949.                    | Sections 53 to 57.<br>Part VII.<br>Section 130 (b).                                                                                                                                                                          |
| 12, 13 & 14<br>Geo. 6. c.<br>xliii.  | The Bolton Corporation Act 1949.                          | Part VII.<br>Section 112.<br>Section 124 (1) (b).                                                                                                                                                                            |
| 12, 13 & 14<br>Geo. 6. c.<br>xliv.   | The Bradford Corporation Act 1949.                        | Part VIII.<br>Section 88.<br>Section 96 (b).                                                                                                                                                                                 |

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| Chapter                                         | Short Title                                               | Extent of Repeal                                                                                                                                                  |
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| 12, 13 & 14<br>Geo. 6. c.<br>xlix.              | The Halifax Corporation Act 1949.                         | Sections 29 and 30.                                                                                                                                               |
| 12, 13 & 14<br>Geo. 6. c.<br>li.                | The Barnsley Corporation Act 1949.                        | Part VII.<br>Section 61 (2).<br>Sections 63 to 68.                                                                                                                |
| 12, 13 & 14<br>Geo. 6. c.<br>lii.               | The West Bromwich Corporation Act 1949.                   | Part IX.<br>Section 138.<br>Section 152 (c).                                                                                                                      |
| 12, 13 & 14<br>Geo. 6. c.<br>lvii.              | The Fife County Council Order Confirmation Act 1949.      | In the scheduled order, Part X.                                                                                                                                   |
| 14 Geo. 6. c.<br>xxxvii.                        | The Dover Corporation Act 1950.                           | Part III.                                                                                                                                                         |
| 14 Geo. 6. c.<br>lviii.                         | The Wolverhampton Corporation Act 1950.                   | Part IX.<br>Section 97.<br>Section 105 (c).                                                                                                                       |
| 14 & 15 Geo. 6.<br>c. xiii.                     | The Airdrie Corporation Order Confirmation Act 1951.      | In the scheduled order—<br>Section 80 (4).<br>Sections 81 to 84.                                                                                                  |
| 14 & 15 Geo. 6.<br>c. xxxvi.                    | The Sunderland Corporation Act 1951.                      | Sections 87 to 89.                                                                                                                                                |
| 14 & 15 Geo. 6.<br>c. xl.                       | The Swindon Corporation Act 1951.                         | Part VII, except section 65 (1).<br>Section 85.<br>In section 90, in the table, the entries relating to sections 66 and 85.                                       |
| 14 & 15 Geo. 6.<br>c. xliii.                    | The West Riding County Council (General Powers) Act 1951. | Section 123.                                                                                                                                                      |
| 14 & 15 Geo. 6.<br>c. xliv.                     | The Worcester Corporation Act 1951.                       | Parts XI and XII.<br>In section 218, in the table, the entries relating to sections 161 and 173.<br>In section 220, the words from "except Part XI" to "thereof". |
| 14 & 15 Geo. 6.<br>c. xlv.                      | The Nottinghamshire County Council Act 1951.              | Part VIII, except sections 182, 185 and 188.<br>In section 280, in the table, the entries relating to sections 177 and 181.                                       |
| 15 & 16 Geo. 6.<br>and 1 Eliz. 2.<br>c. x.      | The Blackpool Corporation Act 1952.                       | Part IV.<br>Section 33.                                                                                                                                           |
| 15 & 16 Geo. 6.<br>and 1 Eliz. 2.<br>c. xxxiii. | The Nottingham Corporation Act 1952.                      | Section 130.<br>In section 138, the words from "except" to "thereof".                                                                                             |
| 15 & 16 Geo. 6.<br>and 1 Eliz. 2.<br>c. xliii.  | The Kingston-upon-Hull Corporation Act 1952.              | Part X.<br>Section 89.<br>In section 101, in the table, the entries relating to sections 69 and 89.<br>In section 103, the words from "except" to "thereof".      |

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| Chapter                                        | Short Title                             | Extent of Repeal                                                                                                                                                                                            |
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| 15 & 16 Geo. 6.<br>and 1 Eliz. 2.<br>c. xlvii. | The Preston Corporation Act 1952.       | Part VII.<br>In section 107, in the table, the entry relating to section 44.<br>In section 109, the words from "except" to "thereof".                                                                       |
| 15 & 16 Geo. 6.<br>and 1 Eliz. 2.<br>c. l.     | The Essex County Council Act 1952.      | Part IX.<br>In section 223, the words from "except" to "thereof".<br>In section 227, in the table, the entries relating to sections 123 and 127.                                                            |
| 1 & 2 Eliz. 2.<br>c. xxxii.                    | The Huddersfield Corporation Act 1953.  | Section 58.<br>In section 62, the words from "except" to "thereof".                                                                                                                                         |
| 1 & 2 Eliz. 2.<br>c. xxxix.                    | The Oxford Corporation Act 1953.        | Part VI.<br>In section 69, the words from "except" to "thereof".                                                                                                                                            |
| 1 & 2 Eliz. 2.<br>c. xl.                       | The Cheshire County Council Act 1953.   | Part VIII, except sections 168 and 169.<br>Section 241 (6).<br>In section 254, the words "Part VIII (Weights and Measures)".<br>In section 255, in the table, the entries relating to sections 157 and 170. |
| 1 & 2 Eliz. 2.<br>c. xli.                      | The Berkshire County Council Act 1953.  | Part VII, except sections 137 and 140.<br>In section 199, in the table, the entry relating to section 132.                                                                                                  |
| 2 & 3 Eliz. 2.<br>c. xliii.                    | The Walsall Corporation Act 1954.       | Part VIII.<br>Section 82.<br>In section 84, in the table, the entry relating to section 61.<br>In section 87, the words from "except" to "thereof".                                                         |
| 2 & 3 Eliz. 2.<br>c. xlvii.                    | The Birkenhead Corporation Act 1954.    | Part XII, except section 141.<br>In section 187, in the table, the entries relating to sections 129 and 139.                                                                                                |
| 2 & 3 Eliz. 2.<br>c. xlviii.                   | The Manchester Corporation Act 1954.    | Sections 37 to 45, 50, 52 to 56, and 58.<br>Section 59 (2) so far as it relates to byelaws.<br>In section 85, in the table, the entries relating to sections 38 and 50.                                     |
| 2 & 3 Eliz. 2.<br>c. xlix.                     | The Derbyshire County Council Act 1954. | Part VII, except sections 161 and 162.<br>In section 217, the words from "except" to "thereof".<br>In section 219, in the table, the entries relating to sections 150 and 163.                              |

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| Chapter                    | Short Title                                  | Extent of Repeal                                                                                                                                                                                                                                                                                                         |
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| 2 & 3 Eliz. 2.<br>c. liv.  | The Coventry Corporation Act 1954.           | Part V.<br>In section 55, the words "or Part V (Weights and Measures) thereof".                                                                                                                                                                                                                                          |
| 4 & 5 Eliz. 2.<br>c. xvi.  | The Liverpool Corporation Act 1955.          | In section 58 (2) and (3), the words "65 and sections" and the words "to 72".<br>Sections 59 to 66, 69 to 72, and 74 to 76.<br>In section 86, in the table, the entries relating to sections 60 and 74.                                                                                                                  |
| 4 & 5 Eliz. 2.<br>c. xix.  | The Salford Corporation Act 1955.            | Part VI, except sections 32, 34 and 36.<br>In section 45, the words from first "in" to "Act" and the words "the Board of Trade and".<br>In Schedule 1, the entries relating to sections 123 to 127.                                                                                                                      |
| 4 & 5 Eliz. 2.<br>c. xxxi. | The Monmouthshire County Council Act 1956.   | Part VII, except sections 149 and 150.<br>In section 216, in the table, the entry relating to section 143.<br>In section 219, the words "and Part VII (Weights and Measures)".                                                                                                                                           |
| 4 & 5 Eliz. 2.<br>c. xl.   | The Gloucestershire County Council Act 1956. | Part VIII, except sections 180 and 181.<br>In section 248, the words "and Part VIII (Weights and Measures)".<br>In section 252, in the table, the entries relating to sections 170 and 182.                                                                                                                              |
| 4 & 5 Eliz. 2.<br>c. xlix. | The Leicester Corporation Act 1956.          | Part IX, except section 138.<br>In section 254, in the table, the entries relating to sections 125 and 137.                                                                                                                                                                                                              |
| 4 & 5 Eliz. 2.<br>c. lix.  | The Dover Corporation Act 1956.              | Sections 7 and 8.<br>Section 10 (2).<br>In Schedule 2, Part II.                                                                                                                                                                                                                                                          |
| 4 & 5 Eliz. 2.<br>c. lxxv. | The Leeds Corporation Act 1956.              | Part XI, except sections 183 (3) and 199.<br>In section 270, in the table, the entries relating to sections 185 and 198.<br>In section 274, the words from "and section 197" to "number".<br>Section 276 (1), from "Provided that" onwards, and in section 276 (3) the words "section 198 (Personal weighing machines)". |

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| Chapter                       | Short Title                                                               | Extent of Repeal                                                                                                                                                                  |
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| 4 & 5 Eliz. 2.<br>c. lxxxv.   | The Barnsley Corporation Act 1956.                                        | Part IX.<br>In section 73, the words from "other" to "Act".                                                                                                                       |
| 5 & 6 Eliz. 2.<br>c. xi.      | The Sunderland Corporation Act 1957.                                      | Section 34.<br>In section 40, the words from "and" to "number".                                                                                                                   |
| 5 & 6 Eliz. 2.<br>c. xviii.   | The Buckinghamshire County Council Act 1957.                              | Part V, except sections 65 and 66.<br>In section 102, the words from "except" to "thereof".                                                                                       |
| 5 & 6 Eliz. 2.<br>c. xxxvii.  | The East Ham Corporation Act 1957.                                        | Part VIII, except sections 99 (3) and 114.<br>In section 157, in the table, the entries relating to sections 101 and 113.                                                         |
| 6 & 7 Eliz. 2.<br>c. iv.      | The Dundee Corporation (Consolidated Powers) Order Confirmation Act 1957. | In the scheduled order—<br>Part XXXVIII, except sections 573, 576 and 577.<br>Section 577 (4) to (7).<br>Schedule 8.<br>In Schedule 9, the entry relating to section 591.         |
| 6 & 7 Eliz. 2.<br>c. xxiv.    | The Essex County Council Act 1958.                                        | Part III.                                                                                                                                                                         |
| 6 & 7 Eliz. 2.<br>c. xxxvi.   | The Coventry Corporation Act 1958.                                        | Sections 47, 48 and 50.<br>In section 80, the words from "except" to "thereof".                                                                                                   |
| 6 & 7 Eliz. 2.<br>c. xxxviii. | The Rochdale Corporation Act 1958.                                        | Part V.<br>In section 74, the words from "except" to "thereof".                                                                                                                   |
| 6 & 7 Eliz. 2.<br>c. xlix.    | The Birmingham Corporation Act 1958.                                      | Part III.<br>Section 41 from "except" onwards.<br>In section 44, the words from "except" to "thereof".                                                                            |
| 6 & 7 Eliz. 2.<br>c. i.       | The Wallasey Corporation Act 1958.                                        | Part XII, except section 150.<br>In section 212, in the table, the entries relating to sections 136 and 149.<br>In section 219 (4), the words "149 (Personal weighing-machines)". |

UNIVERSITY OF MICHIGAN LIBRARIES

Section 65.

## SCHEDULE 10

## PROVISIONS RELATING TO NORTHERN IRELAND

## PART I

*Provisions of this Act extending to Northern Ireland*

1. The following provisions of this Act shall extend to Northern Ireland, that is to say—

- (a) sections 1 and 2 ;
- (b) section 3 so far as it relates to the coinage standards ;
- (c) subsections (8), (9) and (10) of section 10 so far as they relate to Schedule 1 ;
- (d) section 59 ;
- (e) section 63 (4) so far as it relates to regulations under section 7 of the Food and Drugs Act 1955 which, by virtue of section 134 of, and Schedule 10 to, that Act, apply to Northern Ireland ;
- (f) Schedules 1 and 2 ;
- (g) so much of any other provision of this Act as relates to the interpretation of the provisions aforesaid or to the making, variation or revocation of any order under this Act which by virtue of this or the next following paragraph extends to Northern Ireland.

2. Any order made under section 8 (2) of this Act, so far as it relates to the United Kingdom primary standards or authorised copies thereof, the definition of any unit of measurement, or the matters mentioned in section 8 (1) (c) of this Act, shall extend to Northern Ireland and, so far as it relates to the matters mentioned in the said section 8 (1) (c), shall so extend—

- (a) as if any standards provided for use in Northern Ireland for purposes corresponding to those of any of the Board of Trade standards were included among the Board of Trade standards ; and
- (b) as if any reference in the order to the United Kingdom primary standard of the pound or the kilogramme were a reference to that standard or any corresponding Northern Ireland primary standard provided under Part III of this Schedule.

## PART II

*Powers of Parliament of Northern Ireland*

3. In subsection (1) of section 4 of the Government of Ireland Act 1920 (which specifies certain matters in respect of which the Parliament of Northern Ireland is not to have power to make laws), in paragraph (12) the words “ any change in the standard of weights

and measures ; or ” are hereby repealed ; but the said Parliament shall not have power—

SCH. 10

- (a) to make laws inconsistent with any provision which extends to Northern Ireland by virtue of paragraph 1 or 2 of this Schedule ;
- (b) in enacting legislation for purposes similar to those of Part II of this Act, to authorise the use for trade within the meaning of that legislation of any unit of measurement of length, area, volume, capacity, mass or weight which is not for the time being included in Schedule 1 to this Act.

4. Notwithstanding anything in the said section 4, it shall be within the powers of the Parliament of Northern Ireland—

- (a) in enacting legislation for purposes similar to those of Part II of this Act, to make provision relating to trade with Great Britain, any of the Channel Islands or the Isle of Man ;
- (b) in enacting legislation for purposes similar to those of section 28 of this Act, to make provision in relation to offences originating in Great Britain, any of the Channel Islands or the Isle of Man ;
- (c) in enacting legislation for purposes similar to those of section 57 of this Act, to make provision in relation to the application of that legislation to the Crown in right of Her Majesty's Government in the United Kingdom.

5. Nothing in paragraph 3 (b) of this Schedule or in the said section 4 shall prevent the enactment by the Parliament of Northern Ireland of legislation to make lawful for the purposes of Northern Ireland the use of cran and quarter cran measures in connection with trading in fresh herrings or of legislation for purposes similar to those of section 62 (1) of this Act.

6. For the purposes of section 6 of the said Act of 1920, and notwithstanding anything in section 70 (2) of that Act, the following provisions, that is to say—

- (a) Part III of the Government of Ireland (Adaptation of Enactments) (No. 3) Order 1922 ;
- (b) article 4 of the Government of Ireland (Miscellaneous Adaptations) (Northern Ireland) Order 1923 ; and
- (c) Parts III and IV of this Schedule,

shall be deemed to be provisions of Acts of the Parliament of the United Kingdom passed before the day appointed for the purposes of the said section 6.

### PART III

#### *Standards in Northern Ireland*

7. The Ministry of Commerce for Northern Ireland may by order direct that there shall be standards for Northern Ireland of the yard, pound, metre and kilogramme which shall be, and shall be known as, the Northern Ireland primary standards :

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

U\*

SCH. 10

8. For the purposes of providing the Northern Ireland primary standards in pursuance of such an order the said Ministry shall cause to be made, in such manner as the Ministry may direct, copies in such form and of such material as the Ministry may think fit of the United Kingdom primary standards, and those copies shall be the Northern Ireland primary standards.

9. The Board shall from time to time as the said Ministry may think it expedient to require, and at the expense of that Ministry, cause any Northern Ireland primary standard to be compared with, and its value redetermined by reference to, the corresponding United Kingdom primary standard in such manner as the Board may direct.

10. Any Northern Ireland primary standard maintained under this Part of this Schedule shall be in the custody of the said Ministry.

11. Any enactment of the Parliament of Northern Ireland making provision with respect to secondary standards for use in Northern Ireland may include provision with respect to any period during which there are no Northern Ireland primary standards requiring the Board, subject to payment by the said Ministry of any expenses incurred by the Board for the purpose, to cause the value or values of any such secondary standard to be determined and from time to time redetermined by reference to such one or more of the United Kingdom primary standards or any authorised copies thereof as may appear to the Board to be appropriate.

12. The following provisions are hereby revoked, that is to say—

(a) in the said Order of 1922, articles 8, 9 (2) and 10, and in article 13 the words from “as affecting or authorising” to “measures, or” and the word “other”;

(b) in the said Order of 1923, article 4 (1) (a).

#### PART IV

##### *Adaptation of enactments in force in Northern Ireland*

13. In section 19 of the Weights and Measures Act 1878, for the words “the imperial weights or measures ascertained by this Act” in both places where those words occur there shall be substituted the words “the units of measurement for the time being included in Schedule 1 to the Weights and Measures Act 1963”, and for the words “the imperial weights and measures” in the last place where those words occur there shall be substituted the words “the units of measurement aforesaid”.

14.—(1) Save as the Ministry of Commerce for Northern Ireland may by order otherwise provide, and except in the case of a retail transaction or a transaction with respect to which provision to the contrary effect is for the time being made by or under any other enactment having effect in Northern Ireland, nothing in section 19 of the Weights and Measures Act 1878 as amended by paragraph 13 of this Schedule shall make unlawful the use in any transaction



in Northern Ireland, by agreement between the parties thereto, of any unit of measurement which—

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(a) was customarily used in the like transactions in Northern Ireland immediately before the passing of this Act, and

(b) is not inconsistent with anything for the time being contained in Schedule 1 to this Act,

notwithstanding that the unit in question is not for the time being included in the said Schedule 1.

(2) Before making any order under sub-paragraph (1) of this paragraph, the said Ministry shall consult with, and consider any representations with respect to the subject-matter of the order made to that Ministry by, such organisations as appear to that Ministry to be representative of interests substantially affected by the order; and no such order shall be made unless a draft thereof has been laid before, and approved by a resolution of, each House of the Parliament of Northern Ireland.

(3) Any order under the said sub-paragraph (1)—

(a) may make different provision for different circumstances;

(b) may be varied or revoked by a subsequent order thereunder.

15. The reference in section 63 of the Weights and Measures Act 1878 to the London, Edinburgh and Dublin Gazettes shall be construed as a reference to the Belfast Gazette; and article 6 (c) of the said Order of 1922 is hereby revoked.

16.—(1) Section 2 (2) of the Weights and Measures (Metric System) Act 1897 shall cease to have effect, but the following provisions of this paragraph shall apply in Northern Ireland.

(2) The Ministry of Commerce for Northern Ireland may by regulations prescribe what may be treated for the purposes of trade in Northern Ireland as the equivalent of, or of any multiple or fraction of, any unit of measurement included in Schedule 1 to this Act in terms of any other such unit:

Provided that the said Ministry shall not by any such regulations prescribe an equivalent of, or of any multiple or fraction of, any unit of measurement which is inconsistent with any equivalent of that unit, multiple or fraction for the time being prescribed by regulations under section 10 (6) of this Act.

(3) Nothing in any regulations made under sub-paragraph (2) of this paragraph shall apply to transactions in drugs, and section 19 of the Weights and Measures Act 1878 shall not apply to the prescribing of, or to the dispensing of a prescription for, drugs; but the Ministry of Health and Local Government for Northern Ireland may by regulations, which shall have effect notwithstanding anything in, or in any instrument made under, any other enactment—

(a) prescribe what may be treated for the purposes of dealings with drugs in Northern Ireland as the equivalent of, or of any multiple or fraction of, any unit of measurement which is or at the date of commencement of this Schedule was included in Schedule 1 to this Act in terms of any other such unit;

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- (b) require that any person carrying out in Northern Ireland any such dealing with drugs as is specified in the regulations for the purposes of which the quantity of the drugs is expressed in terms of any such unit as aforesaid which is so specified shall carry out that dealing in terms of such equivalent quantity prescribed under paragraph (a) of this sub-paragraph as is so specified.

(4) Any regulations made under sub-paragraph (2) or (3) of this paragraph shall be subject to negative resolution within the meaning of section 41 (6) of the Interpretation Act (Northern Ireland) 1954.

## PART V

*Repeal of enactments in their application to Northern Ireland*

17. In addition to the repeal effected by paragraph 3 of this Schedule, the following enactments of the Parliament of the United Kingdom are hereby repealed in their application to Northern Ireland, that is to say—

- (a) in the Weights and Measures Act 1878, sections 3 to 8 and 10 to 15, in section 23 the words “under this Act”, sections 31, 33 to 36 and 39, in section 70 the paragraph beginning “The expression ‘coin weight’”, and Schedules 1, 2 and 3 ;
- (b) in the Weights and Measures Act 1889, section 6, and in section 8 the words “not being coin weights” ;
- (c) in the Weights and Measures (Metric System) Act 1897, section 2 ;
- (d) as from the date appointed with respect to apothecaries weight under section 10 (9) of this Act, section 20 (2) of the said Act of 1878, and in section 76 of that Act the words “or by apothecaries weight” ;
- (e) as from the expiration of the period of two years beginning with the date of the passing of this Act, the following provisions of the Food and Drugs Act 1955, that is to say—
- (i) in section 7 (1), the words “but subject to the next following subsection”, and section 7 (2) ;
- (ii) in section 123 (6), the words from “or the” to “may be” ;
- (iii) in Schedule 10, in paragraph 1 (b), the words from “other” to “Trade”, and paragraph 2 (b).



Table of Statutes referred to in this Act

| Short Title                                           | Chapter                            |
|-------------------------------------------------------|------------------------------------|
| Herring Fishery (Scotland) Act 1815 ... ..            | 55 Geo. 3. c. 94.                  |
| Public Health Act 1875 ... ..                         | 38 & 39 Vict. c. 55.               |
| Weights and Measures Act 1878 ... ..                  | 41 & 42 Vict. c. 49.               |
| Municipal Corporations Act 1882 ... ..                | 45 & 46 Vict. c. 50.               |
| Weights and Measures Act 1889 ... ..                  | 52 & 53 Vict. c. 21.               |
| Herring Fishery (Scotland) Act 1889 ... ..            | 52 & 53 Vict. c. 23.               |
| Interpretation Act 1889 ... ..                        | 52 & 53 Vict. c. 63.               |
| Branding of Herrings (Northumberland) Act 1891 ... .. | 54 & 55 Vict. c. 28.               |
| Weights and Measures (Metric System) Act 1897 ... ..  | 60 & 61 Vict. c. 46.               |
| Weights and Measures Act 1904 ... ..                  | 4 Edw. 7. c. 28.                   |
| Cran Measures Act 1908 ... ..                         | 8 Edw. 7. c. 17.                   |
| Milk and Dairies (Scotland) Act 1914... ..            | 4 & 5 Geo. 5. c. 46.               |
| Government of Ireland Act 1920 ... ..                 | 10 & 11 Geo. 5. c. 67.             |
| Sale of Food (Weights and Measures) Act 1926          | 16 & 17 Geo. 5. c. 63.             |
| Petroleum (Consolidation) Act 1928 ... ..             | 18 & 19 Geo. 5. c. 32.             |
| Local Government Act 1933 ... ..                      | 23 & 24 Geo. 5. c. 51.             |
| Local Government (Scotland) Act 1947 ... ..           | 10 & 11 Geo. 6. c. 43.             |
| Customs and Excise Act 1952 ... ..                    | 15 & 16 Geo. 6 & 1 Eliz. 2. c. 44. |
| Visiting Forces Act 1952 ... ..                       | 15 & 16 Geo. 6 & 1 Eliz. 2. c. 67. |
| Food and Drugs Act 1955 ... ..                        | 4 & 5 Eliz. 2. c. 16.              |
| Food and Drugs (Scotland) Act 1956 ... ..             | 4 & 5 Eliz. 2. c. 30.              |
| Local Government Act 1958 ... ..                      | 6 & 7 Eliz. 2. c. 55.              |

### 1963 CHAPTER 32

An Act to make it the duty of local authorities to abolish turnstiles in public lavatories and sanitary conveniences.  
[31st July 1963]

**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) Every turnstile in any part of a public lavatory or public sanitary convenience controlled or managed by a local authority, or in any entrance or exit of such a public lavatory or convenience, shall be removed not later than six months after the passing of this Act; and after the passing of this Act no turnstile shall be installed in, or in any entrance or exit of, any such public lavatory or convenience. Abolition of turnstiles.

(2) It shall be the duty of local authorities to ensure that the provisions of this Act are complied with notwithstanding anything in any other Act, whether public or local.

(3) If any local authority in England and Wales fail to discharge a duty imposed on them by the foregoing provisions of this

section, that duty shall be enforceable, on the application of the Minister of Housing and Local Government, by mandamus.

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

23 & 24 Geo.  
5. c. 51.  
2 & 3 Geo. 6.  
c. 40.

(5) In this section the expression "local authority" means, in England and Wales, a local authority within the meaning of the Local Government Act 1933, a local authority within the meaning of the London Government Act 1939 or the Common Council of the City of London and, in Scotland, the council of a county, the town council of a burgh or a district council.

Short title and  
extent.

2.—(1) This Act may be cited as the Public Lavatories (Turnstiles) Act 1963.

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

## 1963 CHAPTER 33

### *London Government Act 1963*

#### PART I

#### LOCAL GOVERNMENT IN AND AROUND GREATER LONDON

##### Section

1. London boroughs.
2. Greater London and the Greater London Council.
3. Local government areas in and around Greater London.
4. General provisions as to exercise in Greater London of existing local authority functions.
5. Delegation of functions in Greater London.
6. Alteration of boundaries of or within Greater London.
7. Promotion of Bills with respect to local government functions in Greater London.
8. Supplementary provisions to Part I.

#### PART II

#### ROAD TRAFFIC, HIGHWAYS AND MOTOR VEHICLES

9. General duty of Greater London Council with respect to road traffic and abolition of London Traffic Area and Traffic Advisory Committee.
10. Traffic regulation in Greater London.
11. Experimental traffic schemes.
12. Powers in respect of traffic signs, etc.
13. Parking accommodation in Greater London.
14. Other road traffic functions in Greater London.
15. Supplementary provisions as to road traffic.
16. Highway authorities.
17. Metropolitan roads.
18. Delegation or transfer of functions with respect to metropolitan roads.
19. Modifications to Public Utilities Street Works Act 1950.
20. Functions as to motor vehicles and driving licences.

PART III  
HOUSING AND PLANNING  
*Housing*

## Section

21. Housing powers in Greater London.
22. Record of need, and facilities for exchange, of housing accommodation.
23. Transfer of land held for housing purposes.

*Application of Town and Country Planning Act 1962 to  
Greater London*

24. Local planning authorities.
25. Development plans.
26. Amendment of development plans.
27. Supplementary provisions as to development plans.
28. Buildings of special architectural or historic interest.
29. Miscellaneous modifications of Planning Act.

PART IV  
EDUCATION AND YOUTH EMPLOYMENT SERVICE

30. Local education authorities.
31. Primary, secondary and further education in Greater London.
32. Co-ordination of school and other health services in inner London.
33. Provision for continuance of existing educational grants.
34. Youth employment service.

PART V  
SEWERAGE AND TRADE EFFLUENTS

35. Sewers and sewage disposal works.
36. Expenditure on sewerage.
37. Application of enactments relating to sewerage and sewage disposal.
38. Trade effluents.
39. Supplementary provisions relating to sewerage.

PART VI  
APPLICATION OF PUBLIC HEALTH ACTS AND RELEVANT ACTS

40. General application of Public Health Acts.
41. Port health authority for Port of London.
42. Medical officers of health and public health inspectors for the City, etc.
43. Modifications of London Building Acts.
44. Cemeteries and crematoria.

PART VII  
FUNCTIONS AS TO HEALTH AND WELFARE SERVICES AND  
OTHER MATTERS

45. Local health authorities.
46. Accommodation and welfare of disabled and old persons, etc.
47. Children authorities.
48. Fire authorities.
49. Civil defence.
50. Explosives and petroleum spirit.
51. Shops, etc.
52. Licensing of theatres, public entertainments, etc
53. Licensing of tracks for betting.

UNIVERSITY OF MICHIGAN LIBRARIES

## Section

- 54. Food, drugs, markets and animals.
- 55. Smallholdings, allotments, etc.
- 56. Library authorities.
- 57. Provision of entertainments, concert halls, museums, etc.
- 58. Parks and open spaces.
- 59. The Green Belt.
- 60. Functions under National Parks and Access to the Countryside Act 1949.
- 61. Functions under Town Development Act 1952.
- 62. Miscellaneous local authority functions.

## PART VIII

## RATING AND VALUATION AND ASSOCIATED MATTERS

- 63. Rating and valuation.
- 64. General grants.
- 65. Rate-deficiency grants.
- 66. Equalisation of rates.
- 67. Chargeability of part of rating area with expenses incurred for another part thereof.
- 68. Financial provisions applicable to the Common Council.
- 69. Initial expenses of new authorities.
- 70. Transitional assistance to certain counties.

## PART IX

## MISCELLANEOUS AND GENERAL

*Common services*

- 71. Research and information on matters concerning Greater London.
- 72. Supply of goods to authorities in Greater London.
- 73. Publicity for amenities of Greater London.

*Miscellaneous*

- 74. Borough architects.
- 75. Compensation for injury to or death of officers.
- 76. Adjustment to metropolitan police district.
- 77. Application of Local Government Superannuation Acts.
- 78. Coroners.
- 79. Registration of local land charges.
- 80. Compulsory registration of title in and around Greater London.
- 81. Charities in Greater London.

*General*

- 82. Exercise of functions as respects the Temples.
- 83. Other adaptations of enactments.
- 84. Supplementary and transitional provision.
- 85. Transfer and compensation of officers.
- 86. Joint committees of existing councils for consideration of certain matters.
- 87. Local Acts and instruments in and around Greater London.
- 88. General provision as to inquiries.
- 89. Interpretation.
- 90. Orders, rules and regulations.
- 91. Expenses.
- 92. Amendment of House of Commons Disqualification Act 1957.
- 93. Repeals and savings.
- 94. Short title, commencement and extent.

**SCHEDULES :**

- Schedule 1—The London boroughs.  
 Schedule 2—Constitution and general functions of Greater London Council.  
 Schedule 3—Parliamentary and local government elections in and around Greater London.  
 Schedule 4—Modifications of Local Government Act 1933.  
 Schedule 5—Modifications as from 1st April 1965 of enactments relating to road traffic.  
 Schedule 6—Amendments as from 1st April 1965 in Highways Act 1959.  
 Schedule 7—Metropolitan roads.  
 Schedule 8—Modifications as from 1st April 1965 of enactments relating to housing.  
 Schedule 9—Modification and re-enactment as from 1st April 1965 of enactments relating to sewerage and drainage.  
 Schedule 10—Modification as from 1st April 1965 of enactments relating to trade effluents.  
 Schedule 11—Modification and re-enactment as from 1st April 1965 of provisions of Public Health Acts.  
 Schedule 12—Licensing of public entertainments in Greater London on and after 1st April 1965.  
 Schedule 13—Modifications as from 1st April 1965 of enactments relating to food, drugs, markets and animals.  
 Schedule 14—Functions as from 1st April 1965 with respect to land drainage, flood prevention, etc.  
 Schedule 15—Modifications as from 1st April 1965 of rating and valuation enactments.  
 Schedule 16—Determination of additional rate burden.  
 Schedule 17—Miscellaneous modifications of enactments as from 1st April 1965.  
 Schedule 18—Repeals.

**An Act to make provision with respect to local government and the functions of local authorities in the metropolitan area; to assimilate certain provisions of the Local Government Act 1933 to provisions for corresponding purposes contained in the London Government Act 1939; to make an adjustment of the metropolitan police district; and for connected purposes. [31st July 1963]**

**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****LOCAL GOVERNMENT IN AND AROUND GREATER LONDON**

1.—(1) There shall be established new administrative areas, London to be known as London boroughs, which shall comprise the boroughs. areas respectively described (by reference to existing administrative areas) in column 2 of Part I of Schedule 1 to this Act; and in this and any other Act—

- (a) any reference to an inner London borough shall be construed as a reference to one of the London boroughs numbered from 1 to 12 in the said Part I;

**PART I**

(b) any reference to an outer London borough shall be construed as a reference to one of the London boroughs numbered from 13 to 32 in the said Part I.

(2) If in the case of any London borough, on representations in that behalf made to the Privy Council by the Minister, Her Majesty by the advice of Her Privy Council thinks fit to grant a charter of incorporation of the inhabitants of that borough, Her Majesty may by that charter—

(a) make provision with respect to the name of the borough; and

(b) subject to the provisions of this Act, make any provision such as may be made by virtue of section 131 of the Local Government Act 1933 by a charter granted under Part VI of that Act;

and any charter which purports to be granted in pursuance of the Royal prerogative and this subsection shall be deemed to be valid and within the powers of this Act and Her Majesty's prerogative and the validity thereof shall not be questioned in any legal proceeding whatever.

(3) In the case of any London borough whose inhabitants are not incorporated by such a charter as is referred to in the last foregoing subsection, provision for their incorporation shall be made by the Minister by order (hereafter in this Act referred to as an "incorporation order") which may include any such provision as is mentioned in paragraph (a) or (b) of that subsection.

(4) The provisions of Part III of Schedule 1 to this Act shall have effect for the purpose of the revocation or alteration of the provisions with respect to the matters mentioned in paragraph 1 of the said Part III of any charter or incorporation order under subsection (2) or (3) of this section; but nothing in any such charter or order or in any order under the said Part III shall authorise the number of councillors of any London borough to exceed sixty.

(5) Before the Minister makes as respects a London borough either representations under subsection (2) of this section for the grant of a charter or an incorporation order under subsection (3) thereof, the Minister or, as may be appropriate, the Secretary of State shall cause such notices to be given and such, if any, inquiries to be held with respect to the matters to be dealt with by the charter or order as may appear to the Minister or, as the case may be, the Secretary of State to be expedient.

(6) The Municipal Corporations Act 1882 shall apply to every London borough and section 15 of the Interpretation Act 1889 shall have effect accordingly, that is to say, the expression "borough" when used in relation to local government in any



## PART I

enactment whether passed before or after this Act (and in particular, subject to section 8 (2) of this Act, in the Local Government Act 1933) shall except where the context otherwise requires (and except in particular in the expressions "county borough" and "non-county borough") include a London borough; and the council of a London borough shall be a local authority within the meaning of the said Act of 1933.

(7) The first election of councillors of each London borough shall be held, under arrangements to be made by its charter or incorporation order, on the day in May 1964 fixed by the Secretary of State as the day of election of borough councillors in England and Wales; and the persons declared to be elected councillors at that election shall come into office on the fourth day after the day of election.

2.—(1) The area comprising the areas of the London boroughs, the City and the Temples shall constitute an administrative area to be known as Greater London.

Greater  
London and  
the Greater  
London  
Council.

(2) There shall be established for Greater London a council consisting of a chairman, aldermen and councillors which shall be a body corporate under the name of the Greater London Council with perpetual succession and a common seal and shall have all such functions as are vested in that Council by this Act or otherwise.

(3) Notwithstanding anything in subsection (1) or (2) of this section, the Greater London Council may with the consent of the Minister change the name of the Council or the name by which the area referred to in the said subsection (1) is to be known or both those names, or make provision as to the titles by which the chairman, vice-chairman and any deputy chairman of the Council are to be known, and any change of name made in pursuance of this subsection shall take effect as from such date as the Minister may by order appoint; and any such order—

(a) shall not affect any rights or obligations of any council, authority or person, and

(b) shall not be taken as invalidating any instrument (whether made before or after the date appointed by the order) which refers to the Council or the said area by the previous name,

but the new name shall be substituted for the previous name in all enactments relating to the Council or, as the case may be, that area and in all instruments and legal proceedings made or commenced before the said date which refer to that previous name, so, however, that nothing in this subsection shall be construed as affecting the title of any Act or instrument.

(4) The provisions of Schedule 2 to this Act shall have effect with respect to the constitution and general functions of the Greater London Council; and the first election of councillors

## PART I

of that Council shall be held on 9th April 1964, and the persons declared elected at that election shall come into office on the fourth day after the day of election.

Local  
government  
areas in and  
around  
Greater  
London.

3.—(1) As from 1st April 1965—

- (a) no part of Greater London shall form part of any administrative county, county district or parish ;
- (b) the following administrative areas and their councils (and, in the case of a borough, the municipal corporation thereof) shall cease to exist, that is to say, the counties of London and Middlesex, the metropolitan boroughs, and any existing county borough, county district or parish the area of which falls wholly within Greater London ;
- (c) the urban district of Potters Bar shall become part of the county of Hertfordshire ;
- (d) the urban districts of Staines and Sunbury-on-Thames shall become part of the county of Surrey.

(2) As from the passing of this Act, in the Local Government Act 1958—

- (a) in sections 17 (1) and 53 (1), for any reference to the metropolitan area there shall be substituted a reference to Greater London ;
- (b) section 53 (2) shall cease to have effect ;
- (c) in section 28, subsection (6) shall cease to have effect, but—

(i) subsection (1) shall not apply to the county of London or of Middlesex ;

(ii) no county review under that section shall extend to any part of Greater London ;

(iii) subject to any order under section 23 or 24, any such review by the Hertfordshire county council shall extend to the urban district of Potters Bar and any such review by the Surrey county council shall extend to the urban districts of Staines and Sunbury-on-Thames ;

- (d) in relation to a county district to which Part III applies as from the date of the passing of this Act only by virtue of this subsection, that date shall be deemed to be specified in sections 47 (3) and 52 (2) as a further day on which the periods mentioned in those provisions may begin.

General  
provisions  
as to exercise  
in Greater  
London of  
existing local  
authority  
functions.

4.—(1) Subject to any provision to the contrary effect made by, or by any instrument made under, this Act or any other Act passed during the same session as this Act (and in particular any provision conferring functions on the Greater London Council), and without prejudice to any express provision so made, the provisions of this section (being provisions designed to confer on the councils of London boroughs as respects their boroughs

and on the Common Council as respects the City the functions exercisable by the councils of county boroughs as respects their boroughs or by the existing London county council as respects the metropolitan boroughs or, as the case may be, the City) shall have effect as from 1st April 1965 as respects any enactment (hereafter in this section referred to as an "existing enactment") contained in any public general Act passed before this Act or in any other such Act passed during the same session as this Act.

(2) Subject to subsection (7) of this section, where any existing enactment refers to, or to the councils of, county boroughs, then—

- (a) if it also refers in the same context to, or to the councils of, metropolitan boroughs, any reference in that enactment in that context to, or to the council of, a metropolitan borough shall be construed as a reference to, or to the council of, a London borough;
- (b) if it also refers (or, but for section 3 (1) (b) of this Act, would have referred) in the same context to the London county council (whether expressly or by virtue of a reference to councils of counties) but not to councils of metropolitan boroughs, any reference in that enactment in that context to a county borough or the council thereof shall be construed as including a reference to a London borough or the council thereof and, where that enactment extends to the City but does not refer to the Common Council, as including also a reference to the City or the Common Council.

(3) Any reference in any existing enactment which, by virtue of any other existing enactment passed subsequently thereto, falls to be construed as a reference to authorities of a particular class shall be deemed for the purposes of subsection (2) of this section to be a reference to authorities of that class.

(4) Any existing enactment to the effect that any provision does not apply or refer, or applies or refers only, to the administrative county of London or to that county other than the City or other than the City and the Temples shall have effect as if it provided that the provision in question does not apply or refer, or, as the case may be, applies or refers only, to Greater London other than the outer London boroughs, or other than those boroughs and the City, or other than those boroughs, the City and the Temples, as the case may be.

(5) Where, under any existing enactment which by virtue of subsection (4) of this section applies to Greater London other than the outer London boroughs or other than those boroughs and the City with or without the Temples, any functions were exercisable immediately before 1st April 1965 as respects a metropolitan borough by the London county council or by the council of that borough or as respects the City by the

## PART I

## PART I

London county council, those functions shall be exercisable as respects an inner London borough by the council of that borough or, as the case may be, as respects the City by the Common Council.

(6) In any existing enactment which by virtue of subsection (4) of this section applies to the outer London boroughs but not to the rest of Greater London, any reference to, or to the council of, a county borough shall be construed as including a reference to, or to the council of, an outer London borough.

(7) Without prejudice to any exclusion by virtue of subsection (1) of this section and to any amendment of the enactment in question by or under any subsequent provision of this Act, subsection (2) of this section shall not apply to any existing enactment contained in—

- (a) the Local Government Act of 1888, 1929, 1933 or 1958 ; or
- (b) the enactments to which section 40 of this Act applies or would apply but for the proviso to subsection (4) of that section; or
- (c) the Representation of the People Acts ; or
- (d) any enactment relating to rating and valuation in England and Wales ; or
- (e) the Town and Country Planning Act 1962 ; or
- (f) any of the Acts amended by Schedule 5, 6, 8 or 13 to this Act ;

and this section shall not apply to any enactment contained in an Act passed with respect only to the whole or part of the existing county of London.

Delegation  
of functions  
in Greater  
London.

5.—(1) Subject to any provision to the contrary effect made by, or by any instrument made under, this Act or any other Act passed during the same session as this Act, and without prejudice to any express provision so made, the Greater London Council may, with the concurrence of the council in question, delegate to any London borough council or to the Common Council, with or without restrictions or conditions as the Greater London Council think fit, any of the functions of the Greater London Council except—

- (a) functions for which the Greater London Council are required by any enactment for the time being in force to appoint a committee ;
- (b) functions in respect of which specific powers of delegation to that council are conferred by any enactment ; and
- (c) the power of borrowing money or issuing a precept for the levy of a rate ;

and where any functions are delegated to a London borough council or the Common Council under this section, that council

shall, in the discharge of those functions, act as agents for the Greater London Council.

(2) The Common Council and the council of any London borough which is adjacent to the City may agree together for the discharge by that borough council, as agent for the Common Council, of such of the functions of the Common Council as may be specified in the agreement.

(3) Without prejudice to any other provision of this or any other Act, any of the following councils, that is to say, the Greater London Council, the London borough councils and the Common Council, may, for the better performance of their respective functions, agree with any one or more of the others of those councils and any other local authority within the meaning of the Local Government Act 1933 whose area is contiguous with any part of Greater London for—

- (a) the undertaking by one party for another of any administrative, clerical, professional, scientific or technical services ;
- (b) the use or maintenance by one party of any vehicle, plant, equipment or apparatus of another party and, if it appears convenient, the services of any staff employed in connection therewith ;
- (c) the carrying out of works of maintenance by one party in connection with land or buildings for the maintenance of which another party is responsible,

on such terms as may be agreed between them ; and in this subsection the expression "maintenance" includes minor renewals, improvements and extensions.

6.—(1) Section 140 of the Local Government Act 1933 shall not apply to the alteration of the boundary between a county or county borough and Greater London, and nothing in section 253 of that Act shall authorise any local authority within the meaning of that Act to include in any Bill promoted by them any provision making an alteration of the boundaries of any London borough or of Greater London ; but the following provision of this section shall have effect for the purposes of such an alteration.

Alteration of boundaries of or within Greater London.

(2) If proposals are made to the Minister—

- (a) by the council of the London borough affected and the Greater London Council acting jointly, or by the council of the county or county borough affected, for the making of an alteration of the boundary of Greater London ; or
- (b) by the council of a London borough for the making of an alteration of the boundary between that and some other London borough ; or

## PART I

(c) by the council of the London borough affected or by the Common Council, for the making of an alteration of the boundary between a London borough and the City; or

(d) under subsection (4) of this section,

the Minister shall, unless he is satisfied that the proposals ought not to be entertained, cause a local inquiry to be held, and may make an order giving effect to the proposals or making such other alteration of the boundary in question as he may deem expedient, or may refuse to make any such order; but no order shall be made under this subsection unless a draft thereof has been laid before, and approved by a resolution of, each House of Parliament.

(3) If joint representations are made to the Minister—

(a) by all or, as the case may be, both of the councils referred to in paragraph (a), (b) or (c) of subsection (2) of this section for the making of such an alteration as is mentioned in that paragraph; or

(b) by the Common Council or the council of a London borough and the Honourable Society of the Inner Temple or of the Middle Temple for the making of an alteration of the boundary between the City or that borough and the Inner Temple or the Middle Temple, as the case may be,

the Minister shall, unless he is satisfied that it is unnecessary so to do, cause a local inquiry to be held and, after considering the report of any such inquiry, may by order give effect to the representations.

(4) In the case of a London borough contiguous with a county, at any time after 31st March 1965 and before 1st April 1970 proposals for the transfer from that borough to that county of a part of that borough which is so contiguous may be made to the Minister by any three hundred or more local government electors residing in that part of the borough and together constituting not less than ten per cent. of the total number of local government electors so residing.

(5) Any order by the Minister under subsection (2) or (3) of this section shall be deemed for the purposes of sections 148 and 149 of the said Act of 1933 to be an order made in pursuance of powers conferred by Part VI of the said Act of 1933.

Promotion  
of Bills with  
respect to  
local  
government  
functions  
in Greater  
London.

7.—(1) The powers of the Greater London Council under section 253 of the Local Government Act 1933 shall include power subject to subsection (2) of this section to promote a Bill in Parliament for any purpose which is for the public benefit of the inhabitants of Greater London or of any part thereof;

and without prejudice to the generality of those powers any provision included in a Bill promoted by that Council—

**PART I**

(a) for such a purpose as aforesaid ; or

(b) subject to subsection (3) of this section, at the request of a London borough council or the Common Council, may alter the functions of any London borough council or the Common Council or, as the case may be, of the council making the request notwithstanding that no alteration is made thereby in the functions of the Greater London Council.

(2) Before the Greater London Council include in any Bill to be promoted by them any provision altering the functions of the Common Council or a London borough council, they shall consult with the Common Council or, as the case may be, with that borough council or, if the provision relates to all the London borough councils, with any association or committee which appears to the Greater London Council to be representative of those borough councils.

(3) Where, in the case of any provision which, by virtue of subsection (1) (b) of this section, is or is proposed to be included at the request of a borough council or the Common Council in a Bill promoted or to be promoted by the Greater London Council, it is or will be a condition of the inclusion of that provision in the Bill that the borough council or, as the case may be, Common Council shall make a contribution towards the expenses incurred or to be incurred by the Greater London Council in connection with the promotion of the Bill, sections 254 and 255 of, and Schedule 9 to, the said Act of 1933 shall apply in relation to the making of the request aforesaid—

(a) as if any reference in the said sections or Schedule to the promotion of, or of any provision of, a Bill were a reference to the making of the request aforesaid for the inclusion of, or, as the case may be, of any part of, that provision in the Bill in question and, in relation to the Common Council, as if the City were a borough and the Common Council the council of that borough ;

(b) as if the deposit of the Bill in question in Parliament by the Greater London Council were such a deposit of that Bill by the borough council or, as the case may be, Common Council ;

and where the borough council or Common Council are required by either of the said sections as modified by this subsection to take all necessary steps to withdraw the Bill or some provision thereof, that council shall forthwith notify the Greater London Council to that effect and the Greater London Council shall thereupon take all necessary steps to withdraw the provision or part of a provision in question.

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(4) A London borough council or the Common Council may in compliance with any such condition as is referred to in subsection (3) of this section make such contribution towards the expenses incurred by the Greater London Council in connection with the promotion of the Bill in question as may be agreed between the councils concerned.

## Supplementary provisions to Part I.

8.—(1) The provisions of Part I of Schedule 3 to this Act, being provisions necessary or expedient in consequence of the foregoing provisions of this Part of this Act, shall have effect with respect to parliamentary and local government elections in and around Greater London; and the Representation of the People Acts shall have effect subject to the modifications specified in Parts II and III of that Schedule, being modifications consequential on the provisions of the said Part I or modifications of those Acts in their application to Greater London; and the said Schedule 3 shall be included among the enactments which may be cited together as the Representation of the People Acts.

(2) The Local Government Act 1933 shall have effect subject to the modifications specified in Schedule 4 to this Act, being—

- (a) modifications consequential on other provisions of this Act; or
- (b) modifications designed to assimilate the provisions of the said Act of 1933 to provisions for corresponding purposes contained in the London Government Act 1939; or
- (c) modifications designed to make the said Act of 1933 apply in appropriate cases in relation to the Greater London Council as it applies in relation to a county council or in relation to a London borough as it applies in relation to a county borough or as it applies in relation to a metropolitan borough; or
- (d) modifications of the said Act of 1933 in its application either to all London boroughs or to the inner London boroughs.

## PART II

## ROAD TRAFFIC, HIGHWAYS AND MOTOR VEHICLES

## General duty of Greater London Council with respect to road traffic and abolition of London Traffic Area and Traffic Advisory Committee.

9.—(1) The provisions of this Part of this Act shall have effect for the purpose of redistributing functions with respect to road traffic in Greater London and assimilating the law with respect to highways in Greater London to that in force in the rest of England and Wales.

(2) It shall be the duty of the Greater London Council so to exercise the functions conferred on them by or by virtue of sections 10 to 19 of this Act as, so far as practicable having due regard to—

- (a) the desirability of securing and maintaining reasonable access to premises;



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- (b) the effect on the amenities of any locality affected ; and  
 (c) any other matters appearing to the Council to be relevant,

to secure the expeditious, convenient and safe movement of vehicular and other traffic (including foot passengers) and the provision of suitable and adequate parking facilities on and off the highway ; and the Minister of Transport shall not—

- (i) give any direction to the Council under section 10 (7) (a) or (b), 11 (7) or 13 (2) (a) of this Act ; or  
 (ii) exercise his power under section 10 (2) (b), 11 (2) (a) or 13 (2) (c) of this Act to revoke or vary any order made by the Council,

unless he is satisfied, having regard to any matters appearing to him to be relevant, that the Council's duty aforesaid is not being satisfactorily discharged by the Council and that it is necessary for him so to do in order to secure compliance with that duty.

(3) The Greater London Council shall before 1st April 1965 consult with the Minister of Transport with regard to the administrative arrangements to be made by the Council for the discharge of the Council's functions by virtue of sections 10 to 15 of this Act.

(4) Any person appointed by the Greater London Council to hold a local inquiry for the purposes of any of the Council's functions by virtue of sections 10 to 15 of this Act shall have the like powers as a person appointed to hold an inquiry to which section 290 of the Local Government Act 1933 applies.

(5) Without prejudice to any power of delegation conferred by or by virtue of the provisions of sections 10 to 20 of this Act, section 5 (1) of this Act shall not apply to any function conferred on the Greater London Council by or by virtue of those provisions.

(6) The London Traffic Area and the London and Home Counties Traffic Advisory Committee shall cease to exist ; and any reference in the Road Traffic Act 1960, the Road Traffic and Roads Improvement Act 1960 or the Road Traffic Act 1962—

- (a) to the London Traffic Area ; or  
 (b) except in sections 85 (1) and (8), 135 and 141 of the Road Traffic Act 1960, to an area comprising the metropolitan police district and the City of London, shall be construed as a reference to Greater London.

10.—(1) Subject to subsections (4) to (7) of this section, Traffic regulation in Greater London. the Greater London Council (hereafter in this section referred to as "the Council") may by order make provision

## PART II

for controlling vehicular and other traffic (including foot passengers) on roads in Greater London, being—

- (a) roads other than trunk roads ; or
- (b) trunk roads with respect to which the Minister of Transport has consented to the making of the order in question,

and in particular, but without prejudice to the generality of the foregoing words, for any of the purposes, or with respect to any of the matters, mentioned in Schedule 4 to the Road Traffic Act 1960 ; but no such order shall contain any provision for regulating the speed of vehicles on roads, and paragraph 16 of the said Schedule 4 and section 62 of the London Passenger Transport Act 1933 shall cease to have effect.

(2) The powers of the Minister of Transport under section 34 of the said Act of 1960 shall be exercisable only—

- (a) with respect to trunk roads in Greater London ; or
- (b) for the revocation or variation, after giving notice to the Council and, if he thinks fit, after holding a public inquiry, of any order by the Council under subsection (1) of this section ; or
- (c) for securing the object of any direction with respect to any road other than a trunk road or a special road given by that Minister to the Council under subsection (7) of this section with which the Council have failed to comply,

and shall be exercisable by order made by statutory instrument instead of by regulations ; and the powers of the said Minister by virtue of this subsection to make orders under the said section 34 shall include power to make such an order varying or revoking any such order previously made by him ; and so much of section 26 of the Road Traffic Act 1962 as limits the duration of the powers conferred thereby shall cease to have effect.

(3) The provisions of subsections (2) to (4) and (7) to (9) of the said section 34 shall apply to an order made by the Council under subsection (1) of this section as they apply to an order made by the Minister of Transport under the said section 34 and, in relation to such an order by the Council, shall have effect as if in those provisions—

- (a) for any reference to that Minister there were substituted a reference to the Council ;
- (b) any reference to the said section 34 included a reference to subsection (1) of this section.

(4) Before making any order under subsection (1) of this section otherwise than in pursuance of a direction given by the Minister of Transport under subsection (7) thereof, the Council shall consult with the appropriate commissioner of police and with any other council, being a London borough

council or the Common Council, within whose area any road affected by the proposed order lies or whose area appears to the Greater London Council likely to be affected by that order.

(5) Subject to the next following subsection, any order made by the Council under subsection (1) of this section may be revoked or varied by a subsequent order of the Council under that subsection.

(6) If the provisions as respects any length of road of any order made by the Council under subsection (1) of this section are revoked or varied by an order of the Minister of Transport under the said section 34, then, except with the consent of that Minister, the Council shall not make any further order under the said subsection (1) as respects the same length of road within twelve months after the making of the Minister's order.

(7) The Minister of Transport may after consultation with the Council give to the Council—

- (a) a direction to make an order under subsection (1) of this section for a specified purpose and coming into force before the expiration of a specified period; or
- (b) a direction prohibiting, either generally or except with the consent of that Minister or for a specified period, the making or bringing into force of such an order with respect to specified matters or a specified area,

and may also give directions, either generally or with respect to any particular case or class of cases, as to the procedure to be followed in connection with any order under the said subsection (1).

(8) The Greater London Council as well as the Minister of Transport shall have power to make an order under section 11 (1) of the Road Traffic Act 1962 (which relates to speed limits on roads other than restricted roads) as respects any road in Greater London other than a trunk road.

11.—(1) The Greater London Council as well as the Minister of Transport shall have power to make an experimental traffic order under section 28 of the Road Traffic Act 1962 with respect to any road in Greater London, being—

- (a) a road other than a trunk road; or
- (b) a trunk road with respect to which that Minister has consented to the making of the order in question.

(2) The Minister of Transport shall not make an order under the said section 28 with respect to any road in Greater London which is not a trunk road except for the purpose of—

- (a) the revocation or variation, after giving notice to the Greater London Council, of any order by that Council under that section; or
- (b) securing the object of any direction given to that Council by that Minister by virtue of subsection (3) of this section with which that Council have failed to comply.

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(3) The provisions of section 10 (6) and (7) of this Act shall have effect for the purposes of subsection (1) of this section as if—

- (a) any reference in those provisions to, or to an order made by the Greater London Council under, subsection (1) of that section were a reference to, or to an order made by that Council by virtue of, subsection (1) of this section ;
- (b) any reference to an order of the Minister of Transport under section 34 of the Road Traffic Act 1960 were a reference to an order of that Minister under the said section 28.

(4) An order made by the Greater London Council under the said section 28 may include provision whereby a specified officer, or some person authorised in that behalf by a specified officer, of the Council may, if it appears to that officer or person essential in the interests of the expeditious, convenient and safe movement of traffic and after consulting with the appropriate commissioner of police and giving such public notice as the Minister of Transport may direct, modify or suspend the order or any provision thereof.

(5) Before the Greater London Council make any order under the said section 28 they shall—

- (a) except where the order is made in pursuance of a direction by the Minister of Transport by virtue of subsection (3) of this section, consult with the appropriate commissioner of police ; and
- (b) give such public notice as that Minister may direct.

(6) The Minister of Transport may repay to the Greater London Council any expenses incurred by that Council in connection with any order made by them under the said section 28.

(7) The powers with respect to the carrying out of experimental traffic schemes conferred by section 35 of the Road Traffic Act 1960 on the commissioner of police of the metropolis shall be exercisable only within Greater London ; and the authority for the giving of any consent or direction under subsection (1) or (5) of that section shall be the Greater London Council instead of the Minister of Transport ; but the Greater London Council shall not give their consent to any such scheme affecting a trunk road except with the agreement of that Minister ; and in the case of any particular scheme that Minister may after consultation with the Greater London Council direct that Council to consent thereto within a specified period or to withhold their consent therefrom.

12.—(1) The Minister of Transport or the Greater London Council may, to such extent as that Minister or Council may consider necessary in connection with any order under section 34 of the Road Traffic Act 1960, section 10 (1) of this Act or section 28 of the Road Traffic Act 1962 made or proposed to be made by that Minister or, as the case may be, that Council—

PART II

Powers in respect of traffic signs, etc.

- (a) exercise as respects any road in Greater London which is not a trunk road any powers exercisable by the highway authority for that road in connection with the placing of traffic signs on or near that road in pursuance of section 52 of the said Act of 1960 and affix any such sign to any lamp-post or other structure in the highway, whether or not belonging to that Minister or Council ;
- (b) authorise or require the highway authority for any such road to place in the carriageway such bollards or other obstructions as that Minister or Council may consider appropriate for preventing the passage of vehicles, or vehicles of any class or description, at any point at which their passage (whether in any direction or in one direction only) is prohibited by any such order as aforesaid and to maintain and light those obstructions ;
- (c) authorise or require any highway authority to remove any obstruction placed by that authority in pursuance of an authorisation or requirement under the last foregoing paragraph.

(2) To such extent as the Minister of Transport or, as the case may be, the Greater London Council may consider necessary in connection with any order such as is mentioned in subsection (1) of this section, whether made or proposed to be made by that Minister or by that Council, that Minister may do with respect to any trunk road, or as the case may be that Council may do with respect to any metropolitan road, anything which the authority making or proposing to make the order might under subsection (1) (b) of this section require to be done with respect to any other road by the highway authority therefor.

(3) The Greater London Council or, to such extent as the Minister of Transport may consider necessary in connection with any order made or proposed to be made by him under the said section 34 or 28, that Minister may give to the highway authority for any road in Greater London which is not a trunk road such directions with respect to the adjustment, modification or replacement of, or of any part of, the mechanism of traffic signs, being light signals controlled by that authority,

**PART II** as that Council or Minister may consider expedient in the interests of the movement of traffic.

(4) If a highway authority fail to comply with any requirement or direction under subsection (1) or (3) of this section the Minister of Transport or, as the case may be, the Greater London Council may carry out the work required by the requirement or direction, and the expense incurred by the Minister or Council in so doing shall be recoverable summarily as a civil debt from the authority.

(5) As respects any traffic sign placed by the Minister of Transport or the Greater London Council in the exercise of the powers conferred by subsection (1) (a) of this section, it shall be the duty of that Council—

(a) to take such steps to maintain, and to make such alteration of, that sign as may be necessary or expedient in connection with the order in connection with which it was placed ;

(b) to remove that sign upon that order ceasing to have effect ;

and that Minister may recover from that Council summarily as a civil debt any expenses incurred by him by virtue of the said subsection (1) (a).

(6) As respects any road in Greater London other than a trunk road the Greater London Council shall be the competent authority for the purposes of section 22 of the said Act of 1960 with respect to signs for indicating speed restrictions.

(7) References in this section to a highway authority include references to any person who, not being a highway authority, is responsible for the maintenance of a road.

(8) The power of the Minister of Transport under section 63 of the Road Traffic Act 1960 to make advances towards expenses incurred in relation to traffic signs shall be exercisable with respect to any expenses incurred by the Greater London Council in relation to the erection, maintenance, alteration or removal of traffic signs or by virtue of subsection (2) of this section; and the said section 63 shall apply in relation to any such obstruction as is mentioned in subsection (1) of this section as it applies in relation to traffic signs.

Parking  
accommoda-  
tion in  
Greater  
London.

**13.—**(1) Section 81 of the Road Traffic Act 1960 (which relates to the power of local authorities to provide parking places) shall extend to the whole of Greater London and to the use as a parking place of any place other than a road in Greater London ; and the Greater London Council as respects the whole

of Greater London, the council of a London borough as respects the borough, and the Common Council as respects the City, shall be the local authority for the purposes of that section ; but the Greater London Council shall not exercise their powers under that section—

- (a) as respects any London borough, without the consent of the council of that borough, or
- (b) as respects the City, without the consent of the Common Council,

except with the consent of the Minister of Transport.

(2) The functions as respects Greater London conferred on the Minister of Transport by section 85 (1) and (2) of the said Act of 1960 (which relate to the designation on the application of local authorities of parking places on highways where charges are made), the functions of that Minister under section 85 (5) of that Act (which relates to the designation of parking places without an application by the local authority) and, in respect of any site in Greater London, the supplementary functions of that Minister under sections 86 and 87 of that Act and section 3 of the Road Traffic and Roads Improvement Act 1960 shall be exercisable by the Greater London Council (hereafter in this section referred to as “ the Council ”) as well as by that Minister ; and that Minister—

(a) subject to subsection (3) of this section, may after consultation with the Council direct the Council—

(i) to make under any provision of the said sections 85, 86, 87 and 3 (hereafter in this section referred to as “ the relevant provisions ”) such order as may be specified in the direction in respect of any site in Greater London so specified to come into force before the expiration of a period so specified, being in the case of an order under the said section 85 (1) an order either in the form applied for by the local authority or in that form with specified modifications ; or

(ii) not to make under any of the relevant provisions a particular order which has been applied for or proposed ;

(b) shall not himself make an order under any of the relevant provisions except for the purpose of securing the object of any direction given to the Council under paragraph (a) (i) of this subsection with which the Council have failed to comply ;

(c) may, after giving notice of his intention to the Council and any other person appearing to that Minister to be likely to be concerned, by order revoke or vary any

## PART II

order made by the Council under any of the relevant provisions.

(3) Before giving any direction under subsection (2) (a) (i) of this section—

(a) in the case of a direction to make with or without modifications—

(i) an order applied for under the said section 85 (1); or

(ii) an order under the said section 85 (5) or 3 (4) which has already been proposed by the Council, the Minister of Transport shall consider any objections made to the order applied for or proposed;

(b) in the case of a direction to make an order under the said section 85 (5) or 3 (4) which has not already been proposed by the Council, that Minister instead of the Council shall comply with the requirements of Part II of Schedule 10 to the Road Traffic Act 1960 in like manner as if the order were to be made by him instead of by the Council;

(c) in the case of a direction to make any order in the form of an order applied for by a local authority or proposed by the Council but with modifications which appear to that Minister to affect substantially the character of the order, that Minister shall take such steps as appear to him to be sufficient and reasonably practicable for informing any local authority concerned and any other person likely to be concerned.

(4) Any application by a local authority in Greater London for an order under the said section 85 (1) shall be made to the Council and not to the Minister of Transport, but a London borough council shall not make such an application in respect of a site on a trunk road except with the consent of that Minister and, for the purposes of subsection (2) (b) of this section, any such application made to the Council shall be deemed to have been made to that Minister.

(5) In relation to an order of the Council—

(a) any reference in the relevant provisions or in the said Schedule 10 to the Minister of Transport (other than the reference in the said section 86 (2) (a)) shall be construed as a reference to the Council;

(b) the said section 85 (5) shall have effect as if paragraph (a) and, in paragraph (b), the words “with the consent of the Treasury”, the words from “or the” to “Council” where first occurring and the words “or Council” were omitted; and



- (c) the said section 3 (4) shall have effect as if the reference to section 90 (3) and (5) of the Road Traffic Act 1960 were omitted ;

and in relation to parking places designated by virtue of the said section 85 (5) by an order of the Council, references in sections 85 (3), 86 to 89 and 232 (2) (a) (ii) of the Road Traffic Act 1960 and sections 6 and 15 of the Road Traffic and Roads Improvement Act 1960 to the local authority shall be construed as references to the Council.

(6) Where—

- (a) the Council make an order under any of the relevant provisions in pursuance of a direction under subsection (2) (a) (i) of this section ; or
- (b) the Minister of Transport makes an order under any of the relevant provisions for the purpose specified in subsection (2) (b) of this section ; or
- (c) that Minister makes an order under subsection (2) (c) of this section ; or
- (d) that Minister enters into an agreement under the said section 85 (5) (b) for the transfer of a parking place designated by an order of that Minister,

the powers of the Council to vary or revoke orders made by them under the relevant provisions shall extend to the variation or revocation of any such order as aforesaid notwithstanding that it is made by, or by direction of, that Minister but, except with the consent of that Minister—

- (i) any order such as is mentioned in paragraph (a), (b), (c) or (d) of this subsection shall not be revoked or varied by the Council, and
- (ii) where an order of the Council under the said section 85 with respect to parking places on any length of highway has been varied or revoked by that Minister by virtue of the said subsection (2) (c), the Council shall not make a further order under the said section 85 as respects that length of highway,

within twelve months of the making of the order referred to in paragraph (a), (b) or (c) or the transfer referred to in paragraph (d), as the case may be, of this subsection.

(7) The Minister of Transport may give directions to the Council, either generally or with respect to any particular case or class of cases, as to the procedure to be followed in connection with—

- (a) any application to the Council for an order under the said section 85 (1) ;

## PART II

(b) the making of any order by the Council under any of the relevant provisions,

including directions modifying the provisions of the said Schedule 10 in their application to, or applying those provisions with modifications to, any such order of the Council; but, except in the case of an order revoking and re-enacting the provisions of a previous order, whether or not made by the same authority, no direction given by virtue of this subsection shall reduce the opportunities afforded by the said Schedule 10 to object to any application or proposal.

(8) In the Road Traffic and Roads Improvement Act 1960, the following provisions shall cease to have effect, that is to say—

- (a) so much of section 4 (1) as limits the duration of the powers conferred by the said section 85 (5);
- (b) so much of section 4 (2) as limits the duration of the power conferred thereby on the Minister of Transport to make grants towards the provision and maintenance of off-street parking places;
- (c) section 10 (which relates to the provision by that Minister of temporary parking accommodation in Greater London).

Other road  
traffic  
functions in  
Greater  
London.

14.—(1) The functions of the Minister of Transport under the following enactments shall, as respects Greater London, become functions of the Greater London Council, that is to say—

- (a) sections 137 and 138 of the Highways Act 1959 (which relate to half-yearly schemes of repair and improvement works);
- (b) except as respects trunk roads, section 21 of the Road Traffic Act 1960 (which relates to directions with respect to speed limits on restricted roads);
- (c) sections 49 and 50 of the Road Traffic Act 1960 (which relate to the use of roads as playgrounds);
- (d) section 18 of the Road Traffic and Roads Improvement Act 1960 (which relates to road improvements),

and so much of the said section 18 as restricts the duration thereof shall cease to have effect.

(2) The Greater London Council shall have as respects Greater London the like powers as are conferred on the Minister of Transport by section 19 of the Road Traffic and Roads Improvement Act 1960 (which relates to road improvements) and so much of that section as restricts the duration thereof shall cease to have effect; and, without prejudice to the extent of the powers of the Greater London Council by virtue of the foregoing provisions of this subsection, that Minister shall exercise his powers under the said section 19 only if he considers it

necessary in connection with any order made or proposed to be made by him under section 34 of the Road Traffic Act 1960 or section 28 of the Road Traffic Act 1962 for a purpose specified in section 10 (2) (b) or (c) or, as the case may be, 11 (2) of this Act.

(3) In exercising their functions by virtue of subsection (1)(a) of this section, the Greater London Council, before drawing up a scheme under section 137 (3) of the said Act of 1959, shall instead of referring the statements mentioned in the said section 137 (3) to the body so mentioned consult with the appropriate commissioner of police and the London Transport Board; and no such scheme confirmed by that Council shall be binding on the Minister of Transport.

(4) The consent of the Greater London Council for the purposes of section 138(2) of the said Act of 1959 shall not be unreasonably withheld, and any question whether the withholding of such consent is unreasonable shall be determined in like manner as any question arising under section 136(4) of that Act; and section 136(6) and (7) of the said Act of 1959 shall apply to a contravention of section 138(2) thereof as they apply to a contravention of section 136(1) thereof.

(5) In the application to Greater London of section 44 of the Road Traffic Act 1960 (which relates to schemes for the establishment of pedestrian crossings on roads other than trunk roads) the expression "local authority" in that section shall mean—

- (a) as respects a metropolitan road, the Greater London Council;
- (b) as respects any other road in a London borough, the council of the borough;
- (c) as respects any other road in the City, the Common Council;

but before the Greater London Council submit any scheme under that section with respect to a metropolitan road they shall consult with any other of the councils aforesaid within whose area that road is situated.

(6) In the Road Traffic Act 1960—

- (a) section 17 (which relates to the control of the use of footpaths and bridleways for motor-vehicle trials) shall apply to the council of a London borough as it applies to the council of a county borough;
- (b) section 49 (which empowers local authorities to prohibit traffic on roads to be used as playgrounds) shall apply to the Common Council as it applies to the council of a borough;

## PART II

- (c) section 65 (3) (which relates to the appointment of authorised examiners of vehicles) shall apply to the Greater London Council as it applies to the council of a county and to the Common Council as it applies to the council of a borough ;
- (d) sections 135 (8) and 141 (2) to (6) (which relate respectively to road service licences and to the approval of routes in the London special area) shall apply to the Greater London Council as they apply to the commissioners of police therein mentioned ;
- (e) section 202 (2) (a) (which relates to the bodies excepted from the requirement of third-party insurance or security) and section 221 (3) (which relates to the institution of proceedings for an offence under that section in respect of protective helmets for motor cyclists) shall apply to the Greater London Council as they apply to the council of a county.

Supplementary provisions as to road traffic.

15.—(1) The Road Traffic Act 1960, the Road Traffic and Roads Improvement Act 1960 and the Road Traffic Act 1962 shall have effect subject to the modifications specified in relation thereto in Parts I, II and III respectively of Schedule 5 to this Act, being modifications consequential on other provisions of this Act.

(2) Any expression used in sections 10 to 14 of this Act which is also used in the Road Traffic Act 1960 shall have the same meaning as in that Act.

Highway authorities

16.—(1) The Greater London Council shall be the highway authority for all metropolitan roads ; and the council of a London borough or the Common Council shall be the highway authority for all highways in the borough or, as the case may be, in the City, whether or not maintainable at the public expense, which are not for the time being metropolitan roads or highways for which under section 1 (1) of the Highways Act 1959 the Minister of Transport is the highway authority.

(2) The Highways Acts 1959 and 1961 shall extend to the whole of Greater London, and—

(a) the Highways Act 1959 shall have effect subject to the amendments specified in Schedule 6 to this Act, being amendments—

(i) consequential on other provisions of this Act ;  
or

(ii) designed to apply in relation to highway authorities in Greater London, in appropriate cases and with appropriate modifications, provisions of that Act applicable to comparable authorities elsewhere ;

## PART II

(b) in section 2 (2) of the Private Street Works Act 1961, the reference to a county borough shall include a reference to a London borough ;

and in the application of section 153 of the Highways Act 1959 to Greater London the words "the carriageway of" in subsection (1) thereof shall be omitted.

(3) The power conferred on a local highway authority by section 26 (2) of the Highways Act 1959 to construct new highways shall be exercisable by the Greater London Council for the purpose of constructing a new highway communicating with a metropolitan road notwithstanding that the new highway will not itself be such a road ; but before so exercising that power that Council shall give notice of their proposals for the construction of the new highway to, and consider any representations by, the council which will be the highway authority for that new highway.

(4) Where a new highway to be constructed by virtue of the said section 26(2) by a London borough council or the Common Council will communicate with a metropolitan road, the communication shall not be made unless the manner in which it is to be made has been approved by the Greater London Council.

(5) It shall be the duty of every London borough council and of the Common Council to furnish, and to instruct their officers to furnish, any information in their power which may reasonably be required by the Greater London Council for the purpose of enabling that Council to discharge their functions under or by virtue of this and the two next following sections.

(6) Any expression used in this or the two next following sections which is also used in the Highways Act 1959 shall have the same meaning as in that Act.

17.—(1) The following shall be metropolitan roads, that is to say— **Metropolitan roads.**

- (a) subject to subsection (2) of this section, the highways specified in Schedule 7 to this Act ;
- (b) subject as aforesaid, any highway constructed or proposed to be constructed by the Greater London Council the construction of which as a metropolitan road has been approved by the Minister of Transport ;
- (c) any other highway or proposed highway which is for the time being designated as a metropolitan road by an order under subsection (2) of this section or by an order under section 7 of the Highways Act 1959 directing that the highway shall cease to be a trunk road.

## PART II

(2) Subject to subsection (3) of this section, the Minister of Transport may, on the application of the Greater London Council, a London borough council or the Common Council, by order designate as a metropolitan road any highway or proposed highway specified in the order or direct that any highway or proposed highway so specified which is for the time being a metropolitan road shall cease to be such a road.

(3) The council by whom an application for an order under subsection (2) of this section is made shall send a copy of the application to any other council who, if the order were to be made, would become or cease to be the highway authority for the highway in question and, before determining whether or not to make the order, the Minister of Transport shall consider any representation which any such other council may make to him with reference to the making of the order and, if so requested by any such other council, shall hold a local inquiry.

(4) Where a highway in a London borough or the City becomes (otherwise than by virtue of subsection (1) (a) of this section) or ceases to be a metropolitan road, the council of the borough or the Common Council, as the case may be, and the Greater London Council may agree for the transfer to the new highway authority for the highway of such property and liabilities relating thereto of the former highway authority therefor on such terms and conditions as may be specified in the agreement.

(5) The drains belonging to a highway which is for the time being a metropolitan road shall vest in the Greater London Council and, where any other drain or sewer was, at the date when the highway became a metropolitan road, used for any purpose in connection with the drainage of that highway, that Council shall continue to have the right of using that drain or sewer for that purpose; and any difference arising under this subsection between the Greater London Council and a London borough council or the Common Council as to the council in whom a drain is vested, or as to the use of a drain or sewer, shall, if either council so elect, be referred to and determined by the Minister.

(6) An order—

(a) under subsection (2) of this section; or

(b) under section 7 of the Highways Act 1959 directing that a highway shall cease to be a trunk road and designating that highway as a metropolitan road,

may be made before 1st April 1965 so as to come into force at any time not earlier than that date.

**18.—(1)** The Greater London Council may agree with the council of any London borough or the Common Council for the delegation to the borough council or Common Council of any of the functions of the Greater London Council with respect to the maintenance and improvement of, and other dealing with—

**PART II**  
Delegation  
or transfer  
of functions  
with respect to  
metropolitan  
roads.

- (a) the whole or any part of so much of any metropolitan road as lies within the borough or, as the case may be, the City ;
- (b) any land which does not form part of a metropolitan road but has been acquired by the Greater London Council in connection with such a road under section 214 (5) or (6) or 215 (2) of the Highways Act 1959.

**(2)** A London borough council or the Common Council shall, in the discharge of any functions delegated by virtue of subsection (1) of this section, act as agents for the Greater London Council ; and it shall be a condition of the delegation—

- (a) that the works to be executed and the expenditure to be incurred by the borough council or the Common Council in the discharge of the delegated functions shall be subject to the approval of the Greater London Council ; and
- (b) that the borough council or Common Council shall comply with any requirement of the Greater London Council as to the manner in which, and the persons by whom, any works are to be carried out, and with any general directions of the Greater London Council as to the terms of contracts to be entered into for the purposes of the discharge of the delegated functions ; and
- (c) that any such works shall be completed to the satisfaction of the Greater London Council ;

and, if at any time the Greater London Council are satisfied on the report of some officer of the Council or other person appointed by them for the purpose that the road or land with respect to which the functions are delegated is not in proper repair or condition, they may give notice to the borough council or Common Council requiring them to place it in proper repair or condition and, if the notice is not complied with within a reasonable time, may themselves do anything which seems to them necessary to place it in proper repair or condition.

**(3)** A delegation to a London borough council or the Common Council under subsection (1) of this section may be determined by notice given to that council by the Greater London Council, or the functions so delegated may be relinquished by notice

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**PART II** given by the borough council or Common Council to the Greater London Council ; but—

- (a) the determination or relinquishment shall not take effect until 1st April in the calendar year next following that in which the notice is given ; and
- (b) such a notice shall not be given during the last three months of a calendar year.

(4) The Greater London Council may enter into an agreement with the council of a London borough or the Common Council for the construction of a metropolitan road in the borough or, as the case may be, in the City, or for the carrying out by the borough council or Common Council of any particular work of improvement of, or other dealing with, such a road or part thereof or such land as is mentioned in subsection (1) of this section ; and subsection (2) of this section shall apply to the discharge of the functions of the borough council or Common Council under any such agreement and to the conditions to be included in the agreement as it applies to the discharge of functions delegated by virtue of the said subsection (1) and to the conditions to be attached to any such delegation.

(5) The council of a London borough or the Common Council shall, if so required by the Greater London Council, undertake the maintenance of any metropolitan road within the borough or, as the case may be, within the City in consideration of such payments by the Greater London Council as may from time to time be agreed between them or, in default of such agreement, as may be determined by the Minister of Transport ; and while that requirement remains in force the borough council or Common Council shall have the like powers and be subject to the like duties and liabilities with respect to the maintenance of that road as if they were the highway authority therefor.

(6) Plant or materials belonging to a council by whom functions fall to be exercised by virtue of a delegation, agreement or requirement under this section may be used by them for the purposes of the exercise of those functions, subject to the terms of any delegation or of any agreement between that council and the Greater London Council.

(7) Nothing in this section shall be construed as limiting the power of the Greater London Council to enter into and carry into effect agreements with any person for any purpose connected with the construction, improvement or maintenance of, or other dealing with, a metropolitan road or otherwise connected with any functions of that Council relating to metropolitan roads ; but no such agreement shall provide for the delegation of any powers or duties of the Greater London Council except in accordance with the provisions of this section.



19.—(1) The Public Utilities Street Works Act 1950 shall have effect subject to the modifications hereafter specified in this section.

PART II  
Modifications  
to Public  
Utilities Street  
Works Act  
1950.

(2) For the purposes of the operation of Part II in relation to a street in Greater London, the reference in section 21 (1) to a county council shall be construed as including a reference to the Greater London Council.

(3) In section 35 (2), for the words "the administrative county of London" there shall be substituted the words "Greater London".

(4) In paragraph 1 (b) of Schedule 7, for the words "conferred on the London County Council" there shall be substituted the words "in default of their execution by the undertakers conferred".

(5) In paragraph 5 of Schedule 7, for the words "in London" there shall be substituted the words "in Greater London".

(6) In paragraph 6 of Schedule 7, for the word "London" there shall be substituted the words "any part of London other than an outer London borough".

20.—(1) The functions of a county council under the Vehicles (Excise) Act 1962 (being functions as to the collection of excise duties on, and the licensing and registration of, mechanically propelled vehicles) shall be exercised as respects Greater London by the Greater London Council; and accordingly, in section 24 (1) of that Act, for the definition of "county" there shall be substituted—

Functions as  
to motor  
vehicles and  
driving  
licences.

" 'county' includes a county borough and Greater London, and references to the council of a county shall be construed, in relation to a county borough, as references to the council of the borough and, in relation to Greater London, as references to the Greater London Council."

(2) The Greater London Council shall be the licensing authority for Greater London for the purposes of Part II of the Road Traffic Act 1960 (which relates to driving licences).

### PART III

#### HOUSING AND PLANNING

##### *Housing*

21.—(1) Subject to subsection (3) of this section, the council of a London borough shall be the local authority as respects that borough for all purposes of the Small Dwellings Acqui-

Housing powers  
in Greater  
London.

## PART III

sition Act 1899, the Housing Act 1957, the Housing (Financial Provisions) Act 1958, the House Purchase and Housing Act 1959 and the Housing Act 1961 for which the council of a county borough are the local authority as respects that county borough.

(2) The Common Council shall be the local authority as respects the City for the purposes of the said Act of 1899 and, subject to subsection (3) of this section, shall continue to be the local authority as respects the City for all purposes of the other enactments referred to in subsection (1) of this section.

(3) The council of a London borough or the Common Council shall not exercise any powers under Part V of the Housing Act 1957 outside Greater London for the purposes of a scheme prepared by that council unless, on an application made to the Minister for the purpose by that council, it appears to the Minister expedient that the needs of that borough or, as the case may be, the City with respect to the provision of housing accommodation should be satisfied by the provision of such accommodation by that council outside Greater London and he consents to the scheme.

(4) Without prejudice to the powers of a London borough council or the Common Council, the Greater London Council shall be a local authority as respects the whole of Greater London for the purposes of the Small Dwellings Acquisition Act 1899, Part V of the Housing Act 1957 (as regards housing accommodation both inside and outside Greater London), section 9 of the Housing (Financial Provisions) Act 1958 and section 13 of the House Purchase and Housing Act 1959; but the Greater London Council—

(a) except—

(i) for the purpose of the carrying out by them of the provisions of a development plan within the meaning of the Town and Country Planning Act 1962 relating to an area of comprehensive development; or

(ii) for the purpose of rehousing persons displaced by, or in consequence of, action taken by them in the exercise of any of their powers,

shall not exercise their powers to provide housing accommodation under the said Part V by the development or redevelopment of land in a London borough except with the consent of the council of that borough or, if that consent is withheld, with the consent of the Minister, who, in deciding whether or not to give his consent, shall have regard to the needs of that borough as well as the needs of Greater London as a whole; and

(b) subject to subsections (7) and (11) of this section, shall not exercise any powers by virtue of this section in the City ;

PART III

and in Schedule 2 to the Land Compensation Act 1961 (which relates to the payments to be made on the compulsory acquisition of houses as being unfit for human habitation) after paragraph 2 (1) (e) there shall be inserted—

“(f) an acquisition by the Greater London Council under Part V of the Act of 1957”.

(5) Until such date as the Minister may by order appoint, the Greater London Council may exercise any of the powers of a local authority under any of the enactments referred to in subsection (1) of this section in any circumstances in which that power might have been exercised by the London county council if this Act had not been passed ; and different days may be appointed under this subsection for different purposes or for different areas.

(6) Any review by the Greater London Council in pursuance of their duty under section 91 of the Housing Act 1957 shall be made in consultation with the London borough councils and the Common Council, who shall keep the Greater London Council supplied with information as to their assessment of the needs of their respective districts and as to any action proposed to be taken by them, or any arrangements made between any of them, to meet those needs, and with such other information relevant to that duty in such form as the Greater London Council may require ; and the Greater London Council shall inform the Minister of any proposed exercise of their powers under Part V of the Housing Act 1957 in a London borough to which the council of that borough have given their consent.

(7) Section 5 (1) of this Act shall not apply to any functions of the Greater London Council by virtue of this or the next following section, but the Greater London Council and the council of any London borough may agree together for the carrying out of any action under Part V of the Housing Act 1957 in that borough—

(a) by the Greater London Council as agent of the borough council ; or

(b) by the borough council as agent of the Greater London Council ;

and, without prejudice to subsection (11) of this section, the Greater London Council and the Common Council may agree together for the carrying out of any such action in the City by the Greater London Council as agents of the Common Council.

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## PART III

(8) It shall be the duty of the council of any London borough in carrying out their functions under Parts II and III of the Housing Act 1957 to have regard to any proposals in that behalf as respects the area of that borough submitted before 1st April 1965 under the Housing Repairs and Rents Act 1954 or section 2 of the Housing Act 1957 by any existing council to whom section 3(1)(b) of this Act applies or jointly by the London county council and a metropolitan borough council, but subject to any modifications made by subsequent proposals approved by the Minister under the said section 2.

(9) In section 93 (3) of the Housing Act 1957, references to the London county council, a metropolitan borough council and the administrative county of London shall be construed as references respectively to the Greater London Council, a London borough council and Greater London.

(10) Arrangements may be made by any of the London borough councils or the Common Council for the rehousing of any person by another of those councils; and any such arrangements may include provision for the payment of contributions by that council to that other council.

(11) The Greater London Council and any of the following other councils, that is to say, the Common Council and any borough or urban or rural district council whose area lies outside but adjacent to or in the vicinity of Greater London, may enter into agreements for the provision by the Greater London Council of houses outside the London boroughs to meet the special needs of that other council, or for the provision by that other council of houses within their area to meet the needs of the Greater London Council, and for the payment in either case of such contributions as may be agreed by the council needing the houses to the council providing them.

(12) The enactments referred to in subsection (1) of this section shall have effect subject to the modifications respectively specified in Schedule 8 to this Act, being modifications necessary or expedient in consequence of the foregoing provisions of this section or other provisions of this Act.

Record of need, and facilities for exchange, of housing accommodation.

22.—(1) The Greater London Council shall establish and maintain in such form and manner as they think appropriate records showing the needs for the time being of Greater London with respect to housing accommodation.

(2) Any application for housing accommodation maintained by a housing authority in Greater London—

- (a) if the applicant is resident in a London borough, whether or not the accommodation is sought in that borough, shall be made to the council of that borough; or

## PART III

(b) in any other case, shall be made to the Greater London Council who may, if they think fit, transmit the application to such of the London borough councils as they think appropriate,

and shall include information on such matters as the Greater London Council may require for the purposes of their functions under subsection (1) of this section.

(3) Each London borough council shall establish and maintain a register of all applications duly made to them under subsection (2) (a) or transmitted to them under subsection (2) (b) of this section which are for the time being outstanding, and shall furnish to the Greater London Council such particulars in such form as the Greater London Council may require for the purposes of their functions under subsection (1) of this section—

(a) of any such application as aforesaid ; and

(b) of the steps taken by the borough council to satisfy the needs of persons requiring housing accommodation maintained by that borough council.

(4) Subsections (2) and (3) of this section shall apply to the City as if it were a London borough and the Common Council were the council of that London borough.

(5) The Greater London Council shall establish and maintain facilities for the exchange of housing accommodation in Greater London for other housing accommodation, whether in or outside Greater London, between persons requiring such an exchange and, notwithstanding anything in the Accommodation Agencies Act 1953, may require the payment of a charge by any person making use of those facilities.

23.—(1) On 1st April 1965 there shall vest in the Greater London Council all land which immediately before that date was held by the London county council for the purposes of their functions as a local authority under the Housing Act 1957. Transfer of land held for housing purposes.

(2) On 1st April 1965 there shall vest in the council of each London borough all land which immediately before that date was held for the purposes of functions as such a local authority as aforesaid—

(a) by any council to whom section 3 (1) (b) of this Act applies whose area falls wholly within that London borough ;

(b) in the case of land within the London borough, by the Chigwell urban district council.

## PART III

(3) The Minister shall if so requested by both the parties concerned, or if so requested by one of those parties may after consultation with the other of those parties, or if he thinks fit after consultation with both parties may without any such request, by order provide for the transfer—

- (a) from or to the Greater London Council to or from any London borough council or the Common Council of any land for the time being held by the council in question for the purpose of development or re-development as housing accommodation ; or
- (b) from the Greater London Council or the council of a London borough to the local authority (not being the Greater London Council) for the purposes of the Housing Act 1957 or to a housing association of any housing accommodation for the time being vested in that council, being, in the case of the council of a London borough, housing accommodation outside that borough ;

and any such order shall include such terms as may have been agreed between the two parties concerned or, in default of such agreement, determined by the Minister and provision for arbitration as to the value of the property transferred ; and in the case of an order made by virtue of paragraph (b) of this subsection—

- (i) the said terms may include the retention by the transferor of a right to nominate tenants to the transferred accommodation and, where such a right is retained, provision for the payment of contributions by the transferor to the transferee ; and
- (ii) the order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) The Greater London Council shall submit to the Minister by such date, if any, as the Minister may at any time after 1st April 1965 require and in any event by not later than 1st April 1970 a programme for any transfers of housing accommodation vested in that Council such as are mentioned in subsection (3) (b) of this section which they propose to make and have not yet made ; and the Minister may at any time after 1st April 1965 require any London borough council to submit a similar programme for such transfers of accommodation vested in them.

(5) References in this section to land or housing accommodation shall be construed as including references to any other property held in connection therewith and any rights or liabilities attaching thereto.

(6) Any contributions which the Greater London Council carry to the credit of their Housing Revenue Account under

## PART III

paragraph 1 (5) or (6) of Schedule 5 to the Housing (Financial Provisions) Act 1958 for the year 1965-66 shall be treated as expenditure for special London purposes and be chargeable only on the inner London boroughs, the City and the Temples ; and so much of any such contributions for the years hereinafter mentioned shall be treated and chargeable as aforesaid as is necessary to ensure that the amounts in the pound required to be levied for special London purposes and for general London purposes respectively by way of rates in respect of those contributions are as near as may be in the following proportions, that is to say—

- (a) for the year 1966-67, six to one ;
- (b) for the year 1967-68, five to two ;
- (c) for the year 1968-69, four to three ;
- (d) for the year 1969-70, three to four ;
- (e) for the year 1970-71, two to five ;
- (f) for the year 1971-72, one to six ;

and so much of paragraph 5 of the said Schedule 5 as authorises the Greater London Council to apply any surplus shown in their Housing Revenue Account at the end of a financial year towards making good to their general fund any such contributions as aforesaid for earlier years shall not apply to contributions for any year earlier than 1972-73.

*Application of Town and Country Planning Act 1962 to  
Greater London*

24.—(1) The provisions of this section shall have effect with respect to the local planning authority for the purposes of the Town and Country Planning Act 1962 (hereafter in this Part of this Act referred to as “ the Planning Act ”) in its application to Greater London. Local planning authorities.

(2) Subject to subsections (3) and (5) of this section, the Greater London Council shall be the local planning authority for Greater London as a whole.

(3) Subject to subsection (4) of this section and to sections 25 to 29 of this Act, for all purposes of the Planning Act except sections 7 (2), (5) and (6) the local planning authority as respects any London borough shall be the council of the borough and as respects the City shall be the Common Council ; and any application under Part III of the Planning Act for planning permission for any development shall be made to, and, subject to the said subsection (4) and section 22 of the Planning Act, shall be determined by, such as may be appropriate of those councils ; but, except in any case or class of cases with respect to which the Greater London Council otherwise direct, each London borough council and the Common Council shall cause a copy

**PART III** of every decision made by them on such an application to be sent to the Greater London Council, together with a copy of the application and such other information relating thereto and to the decision as the Greater London Council may reasonably require.

(4) In relation to development of such a class in such area of Greater London as the Minister may by regulations prescribe the Greater London Council shall be the local planning authority for all relevant purposes of the Planning Act other than the reception of applications for, or with respect to the need for, planning permission for such development, and accordingly, subject to subsection (5) of this section, the council by whom there is received—

- (a) any application for planning permission for such development ; or
- (b) any application under section 43 of the Planning Act in the case of which it appears to that council that the proposed action to which the application relates would constitute or involve such development if it constituted or involved development at all,

shall forward the application to the Greater London Council, who shall deal with it in like manner as if it had been made to them ; and such development of land in such an area by the Greater London Council shall be deemed for the purposes of sections 42 (1) and 66 of that Act to be development by that Council of land in respect of which they are the local planning authority ; but, without prejudice to the said subsection (5), the Greater London Council may in any particular case by instrument in writing authorise a London borough council or the Common Council to discharge on their behalf any functions under sections 45 to 51 of that Act with respect to such development of land in such an area.

(5) Section 5 (1) of this Act shall not apply to any functions of the Greater London Council under the Planning Act or under or by virtue of sections 24 to 29 of this Act, but the Greater London Council may with the consent of the Minister, and shall if so required by the Minister, delegate to the council of a London borough or the Common Council any of those functions so far as exercisable in that borough or, as the case may be, in the City, and any council to whom functions are so delegated shall perform those functions on behalf of the Greater London Council.

(6) Without prejudice to his powers by virtue of section 19 (2) or 22 of the Planning Act, the Minister may by regulations make with respect to applications for planning permission for



development in Greater London provision for particular applications or applications of a particular class to be referred before they are dealt with by the local planning authority—

- (a) in the case of an application falling to be dealt with by the Greater London Council, to the Minister ;
- (b) in the case of an application falling to be dealt with by a London borough council or the Common Council—
  - (i) to the Greater London Council ; or
  - (ii) in such cases as the regulations may prescribe, to the Minister ;
- (c) in the case of an application referred to the Greater London Council by virtue of paragraph (b)(i) of this subsection, to the Minister,

and for the giving to the referring council by the Greater London Council or, as the case may be, the Minister of directions as to the manner in which the application is to be dealt with ; and in particular the Minister shall make regulations under this subsection with respect to any application which the local planning authority consider should be granted for permission for development inconsistent with the Greater London development plan referred to in section 25 (3) (or, as respects any period before that plan becomes operative, with the initial development plan referred to in section 25 (2)) of this Act.

(7) The Greater London Council may agree with a London borough council or the Common Council for the transfer to the borough council or Common Council of any liability of the Greater London Council to pay compensation under the Planning Act in respect of anything done by the borough council or Common Council in the exercise of functions delegated to them under subsection (5) of this section and for the transfer of any officers of any of those councils ; and any such agreement shall include provisions in accordance with section 85(3) of this Act for the protection of the interests of such officers.

(8) In relation to land in a London borough or the City—

- (a) references to local planning authorities in any of the following enactments, that is to say—
  - (i) sections 33 and 34 of, and Schedule 2 to, the Electricity Act 1957 ;
  - (ii) section 108 of, and Schedule 12 to, the Highways Act 1959 ;
  - (iii) Schedule 1 to the Pipe-lines Act 1962,
 shall be construed as including references to the Greater London Council but not to the borough council or the Common Council ;

## PART III

- (b) the reference in section 86(4) of the Transport Act 1962 to the local planning authority to whom application is made for permission for the development in question shall be construed as a reference to the local planning authority by whom that application falls to be dealt with ;
- (c) references in section 3(2) of the Acquisition of Land (Authorisation Procedure) Act 1946 to the local planning authority shall be construed as including references both to the Greater London Council and to the borough council or, as the case may be, the Common Council ;
- (d) any reference in section 17 or 20 of the Caravan Sites and Control of Development Act 1960 to the local planning authority shall be construed as a reference to the borough council or, as the case may be, the Common Council ;
- (e) any reference in Part III of the Land Compensation Act 1961 to the local planning authority shall be construed as a reference to the borough council or, as the case may be, the Common Council ; but that council shall consult with the Greater London Council before issuing a certificate under section 17 of that Act in any case where an application for planning permission for any development to which the certificate would relate would fall to be dealt with by the Greater London Council.

(9) The Greater London Council may direct that any expenses incurred by them under any of the provisions specified in paragraph 1 of Schedule 8 to the Planning Act or by virtue of sections 24 to 29 of this Act shall be treated as expenses for special London purposes chargeable upon such part of Greater London as may be specified in the direction.

## Development plans.

25.—(1) In the application of the Planning Act to Greater London, sections 4 (1) and (5) and 6 (1) and (2) (which relate to the submission or amendment of development plans) shall not apply but the provisions of this and the next following section shall have effect in place thereof.

(2) Subject to the provisions of any order under section 84 of this Act, any development plans under the Planning Act operative on 31st March 1965 which relate, or so far as they relate, to any part of Greater London shall together constitute as from 1st April 1965 the initial development plan for Greater London.

(3) The Greater London Council shall cause to be carried out a survey of Greater London and shall, within such period as the Minister may allow, submit to the Minister a report

of that survey and a general development plan for Greater London, to be known as the Greater London development plan, which, subject to any regulations made (by virtue of section 27(5)(e) of this Act) under section 10 of the Planning Act, shall lay down considerations of general policy with respect to the use of land in the various parts of Greater London, including in particular guidance as to the future road system, and may make any necessary consequential modifications in the initial development plan aforesaid; and as from the date when the Greater London development plan becomes operative, that plan and the initial development plan aforesaid with any modifications therein made by the Greater London development plan shall together constitute the interim development plan for Greater London.

(4) Within such period as the Minister may allow after the Greater London development plan becomes operative, each London borough council shall as respects their borough, and the Common Council shall as respects the City, carry out on behalf of the Greater London Council such further survey, if any, as the borough council or Common Council may consider necessary or as the Greater London Council may direct, and submit to the Greater London Council a report on any such further survey and a local development plan which, subject to any such regulations as aforesaid, shall restate as respects the borough or, as the case may be, the City the relevant provisions of the initial development plan aforesaid as modified by the Greater London development plan with any alterations and additions appearing to them necessary or expedient which are consistent with the Greater London development plan; and, without prejudice to section 27 (1) of this Act, the Greater London Council shall within such further period as the Minister may allow forward any such reports and those local development plans to the Minister with any observations thereon by that Council.

(5) The development plan for the purposes of the Planning Act for any London borough or, as the case may be, the City shall be the following, as amended from time to time by virtue of any provision of the two next following sections, that is to say—

- (a) as from 1st April 1965 until the Greater London development plan becomes operative, the relevant provisions of the initial development plan aforesaid;
- (b) as from the date when the Greater London development plan becomes operative until the date when the local development plan submitted by the borough council or Common Council becomes operative, the relevant provisions of the interim development plan aforesaid;

## PART III

(c) as from the date when the said local development plan becomes operative, that plan together with the Greater London development plan ;

and accordingly section 101 (5) of the Planning Act shall not apply to Greater London.

Amendment of  
development  
plans.

26.—(1) The Greater London Council shall from time to time cause fresh surveys of Greater London to be carried out and, not less than once in every five years after the approval of the Greater London development plan by the Minister, submit to the Minister a report of any such surveys together with proposals for any alterations or additions to that plan which appear to that Council to be required having regard to those surveys.

(2) Without prejudice to the provisions of the foregoing subsection, the Greater London Council may at any time, and shall at any time when so directed by the Minister, submit to the Minister proposals for such alterations or additions as appear to the Council to be expedient or as may be required by that direction—

(a) in the case of proposals made before the date of the Minister's approval of the Greater London development plan, to the initial development plan referred to in section 25 (2) of this Act ; or

(b) in the case of proposals made after that date, to the Greater London development plan.

(3) After the Greater London development plan has become operative, the council of any London borough or the Common Council may at any time, and shall at any time when so directed by the Minister or, with the approval of the Minister, by the Greater London Council, after carrying out on behalf of the Greater London Council such, if any, fresh survey of the borough or, as the case may be, the City as may appear to the borough council or Common Council to be expedient or as may be required by that direction, submit to the Greater London Council proposals for such alterations or additions as may appear expedient or as may be so required—

(a) in the case of proposals made before the date of the Minister's approval of their local development plan under section 25 (4) of this Act, to the initial development plan aforesaid as modified by the Greater London development plan ; or

(b) in the case of proposals made after that date, to that local development plan ;

and, without prejudice to section 27 (1) of this Act, the Greater London Council shall, within such time as the Minister may allow, forward any such proposals to the Minister together with any observations thereon by that Council.

**27.**—(1) If any local development plan submitted to the Greater London Council under section 25 (4) of this Act, or any proposal so submitted under section 26 (3) of this Act, contains any provision which in the opinion of the Greater London Council involves a departure from the Greater London development plan, that Council may, if they think fit, require the council submitting the plan or proposal to reconsider that provision within such period as may be specified in the requirement, and thereupon—

**PART III**  
Supplementary provisions as to development plans.

- (a) unless within the period so specified the submitting council agree that the provision involves such a departure, the question shall be referred to the Minister for decision ;
- (b) if the submitting council agree as aforesaid, or if on such a reference to the Minister the Minister decides that the provision involves such a departure, the Greater London Council may if they think fit cause that provision to be struck out from the local development plan or proposal for the purpose of its consideration by the Minister ;
- (c) if on such a reference to the Minister the Minister decides that the provision does not involve such a departure, the provision shall be included in the local development plan or proposal for the purpose of its consideration by the Minister, but the Minister, if so required by the Greater London Council, shall afford that Council an opportunity to make further observations thereon.

(2) Any survey under section 25 (3) or 26 (1) of this Act shall, unless for special reasons the Greater London Council decide to carry it out themselves, be carried out on behalf of that Council by the London borough councils and the Common Council as respects their respective areas ; and subject to subsection (6) of this section any such survey and any survey under section 25 (4) or 26 (3) of this Act shall be carried out on such lines as the Greater London Council may direct.

(3) The Greater London Council, before preparing the Greater London development plan or any proposals under section 26 (1) or (2) of this Act, shall consult with the London borough councils and the Common Council or, in the case of any such proposals, with such of those councils as are affected by the proposals, and before submitting the plan or proposals to the Minister shall give to each of those councils an opportunity to make representations with respect to the plan or proposals and shall consider any representations so made.

**PART III (4) A London borough council or the Common Council—**

- (a) when preparing their local development plan under section 25(4) or any proposal under section 26(3) of this Act shall give to the Greater London Council any information which that Council may require with respect to the matters to be included in that plan or proposal ; and
- (b) before submitting that plan or proposal to the Greater London Council shall give that Council an opportunity to make representations in the light of that information and shall consider any representations so made.

(5) The following provisions of Part II of the Planning Act, that is to say—

- (a) section 4 (2), (3) and (4) (which relate to the contents of development plans) ;
- (b) section 5 (which relates to the approval of development plans by the Minister) ;
- (c) section 6 (3) and (4) (which relate to proposals for amendments to development plans) ;
- (d) section 7 (which confers additional powers on the Minister with respect to development plans) ;
- (e) section 10 (2), (3) and (5) (which contain supplementary provisions as to development plans) ;
- (f) section 11 (which relates to the publication and date of operation of development plans),

shall apply for the purposes of sections 25 and 26 of this Act with the modifications specified in subsection (7) of this section as if any report or plan submitted or forwarded under section 25 (3) or (4) of this Act were a report or plan submitted under section 4 (1) of that Act and any report or proposal submitted or forwarded under section 26 of this Act were a report or proposal submitted under section 6 of that Act.

(6) Section 10(4) of the Planning Act shall not apply to Greater London but, subject to any express provision contained in or having effect by virtue of this or either of the two last foregoing sections, the Minister may give directions—

- (a) to the Greater London Council with respect to the form and content of any directions by the Greater London Council under subsection (2) of this section ;
- (b) to that Council, to any London borough council and to the Common Council—
  - (i) with respect to the procedure for the carrying out of the functions exercisable under or by virtue of those sections by any of those councils ; and

(ii) with respect to the furnishing to the Minister by those councils of information required for the purpose of the functions exercisable under or by virtue of those sections by the Minister.

(7) In the application by virtue of subsection (5) of this section of the provisions of the Planning Act hereinafter mentioned—

(a) any reference in section 4 (3) or (4) to the opinion of the local planning authority shall be construed as a reference to the opinion of either the Greater London Council or the council of the London borough in which the land in question is situated (or, if it is situated in the City, the Common Council);

(b) the reference in section 7 (1) (b) to the local planning authority shall be construed as a reference to any of the following councils, that is to say, the Greater London Council, the London borough councils and the Common Council, by whom there fall to be taken the steps necessary to enable the plan, report or proposal in question to be submitted within the period in question;

(c) the reference in section 7 (4) to the preceding provisions of Part II of the Planning Act shall be construed as including a reference to the provisions of sections 25 and 26 of this Act and subsections (1) to (4) of this section;

(d) any reference in section 10 (2), (3) or (5) to objections or representations shall be construed as a reference only to objections or representations arising from—

(i) any addition, modification or alteration to the initial development plan referred to in section 25 (2) of this Act which is proposed to be effected by the Greater London development plan or which is proposed under section 26 (2) (a) of this Act;

(ii) any addition or alteration to the initial development plan aforesaid as modified by the Greater London development plan which is proposed to be effected by any local development plan forwarded to the Minister under section 25 (4) of this Act or which is proposed under section 26 (3) (a) thereof;

(iii) any alteration or addition to the Greater London development plan proposed under section 26 (1) or (2) (b) of this Act;

(iv) any alteration or addition to such a local development plan as aforesaid proposed under section 26 (3) (b) of this Act;

**PART III**

(e) the reference in section 11 (1) to the local planning authority shall be construed—

(i) in relation to any amendment of the initial development plan aforesaid made before the Greater London development plan becomes operative or made by the Greater London development plan, as a reference to the Greater London Council ;

(ii) in relation to any amendment of the provisions with respect to any London borough or the City of the initial development plan aforesaid as modified by the Greater London development plan, as a reference to the council of that borough or, as the case may be, the Common Council ;

(iii) in relation to the Greater London development plan, as a reference to the Greater London Council ;

(iv) in relation to a local development plan under section 25 (4) of this Act, as a reference to the council of the London borough in question or, as the case may be, the Common Council.

**Buildings  
of special  
architectural  
or historic  
interest.**

**28.—(1)** The Minister shall cause a copy, certified by or on his behalf to be a true copy, of so much of, and of any amendment to, any list of buildings of special architectural or historic interest compiled or approved by him under section 32 of the Planning Act as relates to any London borough or the City to be deposited—

(a) with the clerk of the borough council or, as the case may be, the town clerk of the City ; and

(b) with the clerk to the Greater London Council,

and any such copy shall be so deposited, in the case of a list compiled or approved or amendment made before 1st April 1965, as soon as may be after that date or, in any other case, as soon as may be after the list has been compiled or approved or the amendment has been made ; and any such copy deposited with the clerk of a London borough council or the town clerk of the City shall be registered in the register of local land charges in such manner as may be prescribed by rules made for the purposes of the said section 32 under section 15 (6) of the Land Charges Act 1925 by the proper officer so prescribed :

Provided that nothing in this subsection shall require the deposit with the town clerk of the City of a further copy of any document so deposited before 1st April 1965.



## PART III

## (2) As respects buildings in Greater London—

- (a) any reference to a local planning authority in section 30 of the Planning Act (which relates to building preservation orders) or in section 62 or 125 of that Act so far as it relates to such orders shall be construed as including a reference to the Greater London Council;
- (b) except in any case or class of cases with respect to which the Greater London Council otherwise direct, each London borough council and the Common Council shall supply the Greater London Council with copies of any notices received by the borough council or Common Council under section 33 of that Act;
- (c) any reference in sections 52 to 55 of that Act to the local planning authority shall be construed as including a reference to the Greater London Council;
- (d) section 69 of that Act shall have effect as if Greater London were a county and the Greater London Council were the council of that county and as if the London boroughs and the City were county boroughs and, in the case of the City, the Common Council were the council of that county borough.

(3) In section 33 (3) of the Planning Act, for the words from “to the Minister” onwards there shall be substituted the words—

- “ (a) to the Minister ; and
- (b) if the building to which the notice relates is situated in a county district, to the council of that district ; and
- (c) to such other persons or bodies of persons as may be specified by directions of the Minister either generally or with respect to the building in question ”.

29.—(1) In the application to Greater London of the following provisions of the Planning Act, that is to say, sections 68 (1), 71, 74, 75 (7), 112 (4) and (5), 129 (1), 135 (1), 136 (1) and 207 (5), any reference therein to a county borough or the council thereof shall be construed as including a reference to a London borough or the council thereof and to the City or the Common Council, as the case may be.

Miscellaneous  
modifications  
of Planning  
Act.

(2) Where under section 68 (1) of the Planning Act the Minister has power to authorise a London borough council or the Common Council to acquire any land compulsorily, he may, if after consultation with that council and with the Greater London Council he thinks it expedient so to do, authorise the land to be so acquired by the Greater London Council instead

**PART III** of the borough council or Common Council, and in that case shall have the like powers under section 207 (5) of that Act in relation to the Greater London Council as in relation to the borough council or Common Council.

(3) The powers conferred on London borough councils and the Common Council by section 71 of the Planning Act shall be exercisable also by the Greater London Council—

- (a) in a London borough, with the consent of the council of the borough ; or
- (b) in the City, with the consent of the Common Council ; or
- (c) in the Inner Temple or the Middle Temple, with the consent of the Sub-Treasurer or, as the case may be, Under-Treasurer thereof ; or
- (d) in any of the areas aforesaid, if the appropriate consent aforesaid is withheld, with the consent of the Minister ; or
- (e) in relation to land in any of the areas aforesaid, without any such consent as aforesaid, if the land is used for the purposes of an industrial or commercial undertaking and is to be acquired incidentally to the removal of that undertaking from Greater London.

(4) In section 154 (7) of the Planning Act (which defines the expression “local authority” for the purposes of certain orders relating to highways) after the words “rural district” there shall be inserted the words “the Greater London Council, the council of a London borough, the Common Council of the City of London”.

(5) In section 221 (1) of the Planning Act, in the definition of “local authority”, for the words “and any other authority being” there shall be substituted the words “the Greater London Council, the council of a London borough and any other authority (except the Receiver for the Metropolitan Police District) who are”.

(6) For the purposes of sections 8, 86 (5), 178 (1) and (2), 179, 189 (2), 199, 211 (1) (a) and 217 (2) of the Planning Act, the provisions of sections 24 to 29 of this Act shall be deemed to be included in that Act and, in the case of sections 25 to 27 of this Act, to be included in Part II of that Act.

(7) In paragraph 6 (1) of Schedule 11 to the Planning Act, after the words “that council” there shall be inserted the words “or by the Greater London Council in relation to any road for the time being designated by or under section 17 of the London Government Act 1963 as a metropolitan road”.

## PART IV

## EDUCATION AND YOUTH EMPLOYMENT SERVICE

30.—(1) As from 1st April 1965, any reference in the Education Acts 1944 to 1962 or in any other Act to the local education authority shall be construed—

Local  
education  
authorities.

- (a) in relation to any outer London borough, as a reference to the council of that borough ;
- (b) subject to subsections (6) and (7) of this section, in relation to the remainder of Greater London (which remainder shall be known as the Inner London Education Area) as a reference to the Greater London Council acting by means of a special committee thereof constituted as mentioned in subsection (2) of this section ;

and the Greater London Council, when acting as aforesaid as the local education authority for the said Area, shall, except for the purposes of any document of title, be known as the Inner London Education Authority, and any reference in this or any other Act to a member or officer of that Authority or, in relation to that Authority, to a member or officer of a local education authority shall be construed as a reference to a member of the special committee aforesaid or, as the case may be, an officer appointed for the purposes of the functions of the Greater London Council as a local education authority.

(2) The special committee aforesaid shall consist of—

- (a) such of the councillors of the Greater London Council as have been elected by local government electors for an inner London borough or the City ;
- (b) one representative of each inner London borough council appointed by that borough council from among the members thereof ;
- (c) one representative of the Common Council appointed by the Common Council from among the members thereof ;

and any person appointed in pursuance of paragraph (b) or (c) of this subsection shall, unless re-appointed, retire on the fourteenth day after the ordinary day of retirement of London borough councillors falling next after his appointment, but may resign his membership of the Inner London Education Authority at any time by notice in writing to the clerk of the council by whom he was appointed thereto.

(3) The Greater London Council shall not act by means of the special committee aforesaid for the purpose of issuing any precept or borrowing any money, but shall so act for the purpose of determining—

- (a) the amount for which the Council are to precept upon rating authorities in the Inner London Education Area

## PART IV

in respect of expenditure of the Inner London Education Authority ; and

- (b) what amount, if any, is to be borrowed by the Council in respect of such expenditure,

and for the purpose of the making of the arrangements for the handling of receipts and payments required by section 58 of the Local Government Act 1958 so far as those arrangements relate to moneys paid or payable in connection with the functions of the Greater London Council as a local education authority, and shall also so act for the purpose of the appointment of any officer employed solely for the purposes of those functions, and in particular the appointment of the officer referred to in subsection (4) of this section.

(4) The officers to be appointed by the Greater London Council under paragraph 12 of Schedule 2 to this Act shall include a chief education officer of the Inner London Education Authority ; and section 88 of the Education Act 1944 shall apply to the appointment of that officer as it applies to the appointment of any similar officer under the Local Government Act 1933.

(5) Part II of Schedule 1 to the Education Act 1944 shall have effect in its application to the Inner London Education Area as if—

- (a) paragraph 7 from “ or has been ” onwards and paragraph 11 were omitted ;
- (b) in paragraph 8, the reference to the power to borrow money or to raise a rate included a reference to the power to make such a determination as is referred to in subsection (3) of this section ;

and Part III of the said Schedule 1 (which relates to the delegation of functions of local education authorities to divisional executives) shall not apply to Greater London.

(6) The Minister of Education shall carry out, and not later than 31st March 1970 lay before Parliament a report on, a review of the administration of education in the Inner London Education Area for the purpose of determining whether, and if so to what extent, in what part or parts of that Area, and subject to what, if any, conditions, all or any of the functions of the local education authority relating to education should be transferred to, or to a body including a member or members appointed by, the appropriate council, that is to say, as respects the City the Common Council or as respects an inner London borough the council of that borough ; and in the light of that review the Minister of Education may by regulations make provision for such a transfer as aforesaid of such of those functions, in such part of the Area aforesaid, and subject to such conditions, if any, as may be specified in the regulations ;

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

PART IV

(7) Any regulations under subsection (6) of this section may include such incidental, consequential, transitional or supplementary provisions, including in particular provisions with respect to finance, the transfer and management or custody of property (whether real or personal) and the transfer of liabilities (but, without prejudice to sections 84(1) and 85 of this Act, excluding provisions with respect to the transfer of officers), as may appear to the Minister of Education to be necessary or proper for the purpose or in consequence of the regulations; and where any such regulations provide as respects any part of the Inner London Education Area for the transfer of all the functions of the local education authority relating to education to some authority other than the Inner London Education Authority, the regulations may also provide for that other authority to become, and for the Inner London Education Authority to cease to be, the local education authority for that part of that Area for the purposes of all enactments except (without prejudice to section 34 (4) of this Act) section 10 of the Employment and Training Act 1948.

(8) In section 97 of the Children and Young Persons Act 1933, in proviso (b), for the words "London County Council as local authority" there shall be substituted the words "local education authority".

31.—(1) For the purposes of the Education Acts 1944 to 1962—

- (a) the development plan under section 11 of the Education Act 1944 in force for the county of London immediately before 1st April 1965, so far as it relates to the Inner London Education Area, shall continue on and after that date to be the development plan approved by the Minister of Education for that Area;
- (b) until replaced by a revised development plan submitted to and approved by the said Minister under subsection (2) of this section, any development plan under the said section 11 in force immediately before 1st April 1965 which relates, or so far as it relates, to the area of any outer London borough shall, or, if more than one, shall together, constitute as from that date the development plan approved by the said Minister for that borough;
- (c) subject to subsection (4) of this section, any scheme of further education under section 42 of the said Act of 1944 in force immediately before 1st April 1965 which relates, or so far as it relates, to the Inner London

Primary,  
secondary  
and further  
education  
in Greater  
London.

## PART IV

Education Area or to the area of any outer London borough, shall, or, if more than one, shall together, continue to be, or, as the case may be, constitute, on and after that date the scheme of further education approved by the Minister of Education under the said section 42 for that Education Area or, as the case may be, that borough.

(2) The council of each outer London borough shall, by 1st April 1966 or within such period thereafter as the Minister of Education may in any particular case allow, prepare and submit to that Minister a revised development plan for the borough for the purposes of the said Acts of 1944 to 1962 which shall be in such form and contain such particulars with respect to existing primary and secondary schools in their area and as to the action the authority propose to take to secure that there shall be sufficient schools available for their area as that Minister may require; and subsections (3) to (5) of section 11 of the said Act of 1944 shall apply to any revised development plan submitted under this subsection as they apply to a development plan submitted under subsection (1) of that section.

(3) Before preparing a revised development plan for their borough under subsection (2) of this section, the council of each outer London borough shall consult with any other local education authority whose area is contiguous with that borough with a view to ensuring that the revised plan has regard both to the use made of schools outside that borough by children resident therein and to the use of schools within that borough by children resident outside it.

(4) Within such period as the Minister of Education may allow, the council of each outer London borough shall for the purposes of section 42 of the said Act of 1944 submit to that Minister a restatement of the scheme or schemes of further education referred to in subsection (1) (c) of this section so far as relating to that borough; and that restatement when submitted to that Minister shall be deemed for the purposes of the said section 42 to be a scheme of further education which has been submitted to that Minister under subsection (1) of that section.

(5) As from 1st April 1965 it shall be the duty of the local education authority for any area in Greater London to maintain, and that authority shall not except in accordance with section 13 or 14 of the said Act of 1944 or subsection (6) of this section cease to maintain, any county or voluntary school maintained immediately before that date by the former local education authority for that area, being a school which is situated in that area or of which that former local education

authority were, or in case of dispute are determined by the Minister of Education to have been, the main user immediately before that date.

## PART IV

(6) Any authority who by virtue of section 30(1) of this Act are, or are to become, the local education authority for any area in Greater London may agree with any other local education authority for the maintenance by that other authority of any school which under subsection (5) of this section would otherwise fall to be maintained by the first-mentioned authority.

(7) In the case of any school maintained immediately before 1st April 1965 by a local education authority who in consequence of this Act will not continue to maintain it on and after that date—

(a) any instrument or rules of management or instrument or articles of government made by an order under section 17 of the said Act of 1944 and any arrangement made under section 20 of that Act, being an order or arrangement in force immediately before that date, shall continue in force on and after that date, subject to any further such order or arrangement and to any agreement under subsection (6) of this section, as if—

(i) any reference therein to that local education authority were a reference to the authority by whom by virtue of subsection (5) or (6) of this section the school falls to be maintained on and after that date or, if there is no such authority or if there is any doubt as to the identity of that authority, such local education authority as the Minister of Education may direct;

(ii) any reference therein to any other existing local authority, being the council of a metropolitan borough, non-county borough or urban district to whom section 3 (1) (b) of this Act applies, were a reference, if the school falls to be maintained by the council of a borough, to that council or, in any other case, to the council of the London borough which includes the area of that existing authority or, if different parts of that area are included in different London boroughs, the council of such of those boroughs (or, if more than one, the councils thereof acting jointly) as appears to the local education authority to be served by the school;

(b) any direction of the local education authority under section 22 of the said Act of 1944 and any agreed syllabus of religious instruction under section 29 of

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## PART IV

that Act, being a direction or syllabus in force immediately before that date, shall continue in force on and after that date until replaced by a further direction under the said section 22 or, as the case may be, by the adoption of a new syllabus under the said section 29.

(8) For the purposes of any duty imposed by or under the Education Acts 1944 to 1962 or section 3 (4) of the Local Government Act 1958 with respect to the admission of pupils to—

- (a) county or voluntary schools ; or
- (b) institutions maintained or assisted by local education authorities for the purpose of providing further education,

it shall not be a ground for refusing a pupil admission to, or excluding a pupil from, any such school or institution maintained or assisted by a local education authority in Greater London that the pupil resides in the area of some other local education authority if that area is within, or is contiguous with any part of, Greater London ; and where any provision for further education is made by a local education authority in Greater London in respect of a pupil who resides in Greater London, or in some other local education authority's area which is contiguous with any part of Greater London, but belongs to the area of a local education authority other than the providing authority, and the Minister of Education is satisfied that, having regard to all the circumstances of the case, it is right so to do, that Minister may on the application of the providing authority direct that section 7(1) of the Education (Miscellaneous Provisions) Act 1953 (which relates to the recoupment of the providing authority by the authority to whose area the pupil belongs) shall apply notwithstanding that the last-mentioned authority have not consented to the making of the provision.

(9) Section 7(4) and (5) of the Education (Miscellaneous Provisions) Act 1953 (which relate to the determination of the local education authority to whose area any pupil belongs for the purposes of further education) shall apply for the purposes of subsection (8) of this section as they apply for the purposes of the said section 7.

(10) In relation to any school maintained by the Inner London Education Authority, the expression "minor authority" in the said Act of 1944 shall be construed as a reference to any of the following councils whose area appears to that Authority to be served by the school, that is to say, the councils of the inner London boroughs and the Common Council ; and before approving any proposals submitted to him under section 13 of



the said Act of 1944 with respect to any school which is, or is to be, situated within the City or an inner London borough, the Minister of Education shall afford to the Common Council or, as the case may be, the borough council, an opportunity of making representations to him with respect to the proposal.

PART IV

32.—(1) The Inner London Education Authority and each respectively of the following councils, that is to say, the councils of the inner London boroughs and the Common Council, shall as soon as may be jointly prepare and submit to the Minister of Education and the Minister of Health for their approval a scheme with respect to—

Co-ordination  
of school and  
other health  
services in  
inner London.

- (a) the joint use of professional staff, premises and equipment for the purposes of the health services falling to be provided by the local education authority and the local health authority respectively; and
- (b) consultation as to the qualifications, experience, conditions of service and appointment of professional staff concerned with both those health services.

(2) If in the case of any of the councils aforesaid no such scheme as aforesaid has been submitted to the Ministers aforesaid under the foregoing subsection within such period as those Ministers think reasonable, those Ministers may themselves prepare such a scheme with respect to that council.

(3) In the case of any of the councils aforesaid—

- (a) the Inner London Education Authority and the council concerned may from time to time jointly prepare and submit to the Ministers aforesaid for their approval, or
- (b) the Ministers aforesaid may from time to time, after consultation with the said Authority and council, themselves prepare,

a further scheme with respect to the matters mentioned in subsection (1) of this section, and any such further scheme may vary or revoke any scheme under subsection (1) or (2) of this section and any previous scheme under this subsection.

(4) The Ministers aforesaid shall act jointly for the purpose of approving any scheme submitted to them under subsection (1) or (3) (a) of this section and may approve the scheme either without modification or with such modifications as, after consultation with the Inner London Education Authority and the council concerned, they consider necessary or expedient; and after the scheme has been so approved, then, while that scheme remains in force, no professional staff to whom the scheme applies shall be appointed or employed except in accordance therewith.

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## PART IV

(5) The Ministers aforesaid shall act jointly for the purpose of themselves preparing any scheme under subsection (2) or (3)(b) of this section, and the Inner London Education Authority and the council concerned shall comply with any such scheme while it remains in force.

(6) In this section the expression "professional staff" in relation to any scheme thereunder means medical officers, dental officers, nurses, health visitors and such other specialist staff as may be specified in that scheme.

(7) In its application to the Inner London Education Authority, section 54 (4) of the Education Act 1944 shall have effect as if for the words "the council of any county district in the area of the authority" there were substituted the words "the council of any inner London borough or the Common Council of the City of London".

Provision for  
continuance  
of existing  
educational  
grants.

33.—(1) Where, in the case of any grant made before 1st April 1965 under section 50, 61 (2) or 81 of the Education Act 1944, section 6 of the Education (Miscellaneous Provisions) Act 1953 or section 1 or 2 of the Education Act 1962 in respect of a pupil who has not completed his course by that date, the local education authority by whom that grant was made—

(a) cease on that date in consequence of this Act to be a local education authority ; or

(b) if the authority's area at the date of the making of the grant had been the same as on 1st April 1965, would not have been the appropriate authority to make it,

it shall on and after 1st April 1965 be the duty of the authority specified in subsection (2) of this section to make the remaining payments in pursuance of that grant, subject to the same conditions, if any, as to satisfactory work, financial need or other matters as were attached to the grant or as would be attached to such a grant by the authority specified as aforesaid, whichever are the most favourable.

(2) The authority referred to in the foregoing subsection shall be—

(a) the local education authority to whose area the pupil would have belonged (or, in the case of an award under section 1 of the Education Act 1962, in whose area he would have been ordinarily resident) at the date immediately before the grant was made if at that date the changes taking place under Parts I and IV of this Act on 1st April 1965 had already taken place ; or

(b) if there is no local education authority to whose area the pupil would have belonged (or, as the case may be, in whose area he would have been ordinarily

resident) as aforesaid, then, without prejudice to any right to recoupment, such local education authority as the Minister of Education may determine ;

and section 6 (2) to (4) of the Education (Miscellaneous Provisions) Act 1948 or section 7 (4) and (5) of the Education (Miscellaneous Provisions) Act 1953 (which relate to the determination of the local education authority to whose area any pupil belongs for the purposes of primary or secondary education or, as the case may be, further education) or Schedule 1 to the said Act of 1962 (which relates to the determination of ordinary residence for the purposes of the said section 1), as the case may be, shall apply for the purposes of this subsection as they apply for the purposes of the said Act of 1948, the said section 7 or the said section 1, as the case may be.

34.—(1) Subject to the provisions of this section, as from 1st April 1965 the local education authority for any area in Greater London shall undertake in that area, in accordance (subject to any necessary modification thereof in consequence of this Act) with any scheme in force immediately before that date under section 10 of the Employment and Training Act 1948 which relates, or so far as it relates, to that area, the functions with respect to the youth employment service to which the scheme relates ; and for the purposes of any such modification as aforesaid the powers of the Minister of Labour upon the failure of the local education authority to comply with any direction with respect to the amendment of that scheme given by that Minister under section 12 (2) of the said Act of 1948 shall include power by a further direction to amend the scheme himself.

(2) If before 1st January 1966 any authority who by virtue of section 30 (1) of this Act are, or are to become, the local education authority for any area in Greater London give notice in writing to the Minister of Labour that they wish this subsection to have effect, any such scheme as aforesaid, so far as it relates to that area, shall cease to be in force as from such date as that Minister may determine.

(3) Any such authority as are mentioned in the last foregoing subsection who have not given such notice as is so mentioned shall, within such period as the Minister of Labour may allow, submit to that Minister for his approval under the said section 10 a revised scheme for the purposes of that section, and any such revised scheme shall be deemed for the purposes of the said Act of 1948 to be such an amending scheme as is mentioned in section 12 (1) of that Act.

(4) Unless notice in respect of the Inner London Education Area has been given under subsection (2) of this section, the Minister of Labour shall, in conjunction with the review to be

**PART IV** carried out by the Minister of Education under section 30 (6) of this Act, carry out, and not later than 31st March 1970 lay before Parliament a report on, a review of the administration of the youth employment service in that Area for the like purpose as the Minister of Education's review aforesaid and shall have as respects the functions of the local education authority under the said section 10 the like power to make regulations in the light of that review as are conferred by section 30 (6) and (7) of this Act on the Minister of Education as respects that authority's functions relating to education.

(5) In paragraph 1 (b) of Schedule 1 to the said Act of 1948 (which provides for the nomination by certain bodies of members of the National Youth Employment Council), for the words "The London County Council" there shall be substituted the words "The Inner London Education Authority".

## PART V

### SEWERAGE AND TRADE EFFLUENTS

Sewers and  
sewage  
disposal works.

35.—(1) On 1st April 1965 there shall vest in the Greater London Council all sewers and all sewage disposal works which immediately before that date were vested in the London or Middlesex county council, the Wandle Valley Main Drainage Authority, the North Surrey Joint Sewage Board or the Richmond Main Sewerage Board, and the said Authority and Boards shall cease to exist.

(2) On 1st April 1965 there shall vest—

- (a) in the council of each London borough all sewers and sewage disposal works primarily serving an area in the borough which immediately before that date were vested in the council of a county borough, metropolitan borough or county district the area of which falls wholly or partly within the borough;
- (b) in the council of a London borough all drains in the borough which immediately before that date fell within paragraph (a) or (b) of the definition of "drain" in section 81 (1) of the Public Health (London) Act 1936.

(3) As respects the sewerage area of the Greater London Council—

- (a) the provision of main sewers and of sewage disposal works shall be the function of the Greater London Council; and
- (b) the provision of public sewers other than main sewers shall, as respects a London borough, be the function of the council of the borough and, as respects a county district, be the function of the council of that district;

## PART V

and any power of the Common Council, the Sub-Treasurer of the Inner Temple or the Under-Treasurer of the Middle Temple to provide sewers (whether conferred by any enactment or otherwise) shall be exercisable subject to paragraph (a) of this subsection.

(4) As respects a London borough which, or a part thereof which, falls outside the sewerage area of the Greater London Council the provision of all public sewers and sewage disposal works shall be the function of the council of the borough; but this subsection shall have effect subject to any enactment or agreement with respect to such sewers and works and subject to the provisions of subsection (9) of this section.

(5) It shall be the duty of the Greater London Council as soon as practicable after 1st April 1965 to take into consideration the public sewers and sewage disposal works primarily serving their sewerage area or (subject to subsection (9) of this section) any part of Greater London not forming part of that area, being sewers or works vested in some other local authority, with a view to determining whether a declaration should be made under this subsection, and if they are satisfied that any such sewer is or should become a main sewer or that any such works should be transferred to them, they shall, subject to the provisions of section 17 (1) and (3) of the Public Health Act 1936 as applied by subsection (7) of this section, declare that that sewer or works shall as from such date as may be specified in the declaration vest in them, giving the requisite notice of their proposal to do so not later than 1st April 1970.

(6) It shall be the duty of the Greater London Council to keep under consideration after 1st April 1970 the sewers and works mentioned in the last foregoing subsection, and if at any time they are satisfied that any such sewer constructed or acquired by any other local authority since that date should become a main sewer or that there has been a change of circumstances since that date affecting any other sewer so mentioned or any works so mentioned which makes it expedient that the sewer or works should be transferred to them, they shall, subject to the provisions of the said section 17(1) and (3), declare that the sewer or works shall as from such date as may be specified in the declaration vest in them.

(7) The following provisions of section 17 of the Public Health Act 1936 (as amended by Schedule 9 to this Act) shall apply to a declaration under this section as they apply to a declaration under subsection (1) of that section, that is to say, subsections (1), (3), (5) and (6); and in deciding on an appeal under that section whether a declaration shall be made under

## PART V

this section, the Minister shall have regard to all the circumstances of the case and in particular to the considerations—

- (a) whether or not the sewer or works in question primarily serves the sewerage area of the Greater London Council or a part of Greater London not forming part of that area ; and
- (b) whether or not the sewer in question is or should become a main sewer, or as the case may be, whether or not any machinery, equipment, pumping station, pipe or other thing is or should be used in connection with the works in question.

(8) If any land used for the purposes of a sewage disposal works is vested by virtue of a declaration under this section in the Greater London Council and subsequently the land ceases to be used for that purpose the Greater London Council shall if so requested by the council in whom it was previously vested reconvey the land to that council on such terms as may be agreed between the two councils or in default of agreement as may be determined by the Minister.

(9) Nothing in this section shall affect any sewer, sewage disposal works or other property, or any powers or duties, of the West Kent Main Sewerage Board.

**Expenditure  
on sewerage.**

**36.**—(1) The expenses incurred by the Greater London Council in the discharge of their functions relating to sewerage and sewage disposal shall be chargeable on the London boroughs and county districts falling wholly or partly within the sewerage area of the Greater London Council and on the City and the Temples, and where part only of such a borough or district falls within the said sewerage area those expenses shall be chargeable only on that part of the borough or district.

(2) The expenses so incurred shall be expenses for special London purposes notwithstanding that those expenses are chargeable on areas outside Greater London ; and in relation to those expenses paragraph 19 (2) (b) of Schedule 2 to this Act shall have effect as if the reference to part only of Greater London included a reference to the sewerage area of the Greater London Council.

(3) Where any expenses so incurred are by virtue of subsection (1) of this section chargeable on part of a London borough or county district, any expenses incurred by the council of that borough or district in connection with main sewers or sewage disposal works primarily serving another part of the borough or district shall be chargeable only on that other part of the borough or district and, in the case of a rural district, notwithstanding anything in section 6 of the Rural Water Supplies and Sewerage Act 1944, shall not be general expenses.

(4) The foregoing provisions of this section shall have effect subject to section 67 of this Act.

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(5) The Greater London Council shall reimburse to the council of a London borough or county district any expenses (including an appropriate proportion of administrative expenses) agreed by the two councils, or in default of agreement determined by the Minister, to have been reasonably incurred by the borough or district council in the discharge of their functions in connection with a main sewer which is vested in the borough or district council and primarily serves the sewerage area of the Greater London Council, and any sums reimbursed by the Greater London Council under this subsection shall be treated as expenses incurred by the Council in the discharge of their functions relating to sewerage and sewage disposal.

37.—(1) The following enactments relating to sewerage, drainage and sewage disposal, that is to say—

Application of enactments relating to sewerage and sewage disposal.

(a) the provisions of sections 14 to 42 and 330 of the Public Health Act 1936 and sections 1 (2) and 90 and Part XII of that Act so far as they relate to those provisions ;

(b) section 13 of the Local Government (Miscellaneous Provisions) Act 1953 ; and

(c) sections 12 to 15 of, and Schedule 2 to, the Public Health Act 1961,

shall, subject to the exceptions and modifications specified in Parts I and II of Schedule 9 to this Act, apply to all parts of the sewerage area of the Greater London Council and shall so apply instead of any other enactments in that behalf and, in particular in the case of the inner London boroughs, the City and the Temples, instead of any corresponding provisions contained in Parts II and XIV of the Public Health (London) Act 1936.

(2) The provisions of Part III of the said Schedule 9 shall, except so far as the contrary intention appears, have effect in all parts of the sewerage area of the Greater London Council (being provisions reproducing, with modifications designed amongst other things to enable them to operate in that area or to bring them into conformity with this Act or the enactments mentioned in the foregoing subsection, provisions of Part II of the Public Health (London) Act 1936 and other enactments relating to sewerage, sewage disposal and drainage in the administrative county of London which do not correspond to any enactments mentioned in that subsection but which it is expedient to apply to that area).

(3) The enactments mentioned in subsection (1) of this section shall apply to any part of Greater London outside the sewerage area of the Greater London Council as they apply elsewhere in England and Wales, subject, however, in the case of section 21

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## PART V

of the Public Health Act 1936 to the modifications specified in paragraph 5 of Part II of Schedule 9 to this Act, and accordingly the local authority for the purposes of those enactments in their application to any such part of Greater London shall as respects a London borough be the council of the borough ; but the foregoing provision shall not affect the application of any local statutory provision having effect in the district of the West Kent Main Sewerage Board.

(4) Paragraphs 1 and 2 of Part I of the said Schedule 9 shall extend outside the sewerage area of the Greater London Council.

## Trade effluents.

38.—(1) On and after 1st April 1965 the following enactments relating to trade effluents, that is to say, the Public Health (Drainage of Trade Premises) Act 1937, Part V of the Public Health Act 1961 and sections 1 (2) and 90 and Part XII of the Public Health Act 1936 so far as they relate to the said Act of 1937 and the said Part V shall, without prejudice to section 37 of this Act but subject to the exceptions and modifications specified in Schedule 10 to this Act, apply to all parts of the sewerage area of the Greater London Council (including the City and the Temples) and to any part of Greater London which does not form part of that area, and shall so apply instead of Part II of the London County Council (General Powers) Act 1953 and Part II of the London County Council (General Powers) Act 1962 in the areas in which the two last mentioned Acts applied immediately before 1st April 1965.

(2) The provision made by an order under section 84 of this Act may include—

- (a) provision continuing in force any agreement, condition or liability to pay charges subsisting immediately before 1st April 1965 under Part II of the said Act of 1953 or Part II of the said Act of 1962 notwithstanding that the agreement could not have been made, the condition imposed or the liability incurred under the enactments relating to trade effluents specified in subsection (1) of this section ;
- (b) provision for varying or revoking any such agreement or condition or varying or abrogating any such liability, in either case to such extent as appears to the Minister to be necessary or proper to effect the transition from the provisions of the said Parts II to the said enactments relating to trade effluents ;
- (c) provision exempting the owner or occupier of any premises with respect to which any such agreement or condition is in force from compliance with any requirement imposed by or by virtue of the said enactments to obtain the consent of the local authority with respect to



all or any of the matters to which the agreement or condition relates or any other such requirement with respect to all or any of those matters. PART V

**39.—(1)** In this Part of this Act, except where the context otherwise requires— Supplementary provisions relating to sewerage.

(a) “main sewer” means a public sewer used for the general reception of sewage from other public sewers and not substantially used for the reception of sewage from private sewers and drains ;

(b) “sewerage area of the Greater London Council” means an area defined by an order made by the Minister as being the area drained by the sewers for the time being vested in the Council by virtue of section 35 of this Act and by any other sewers the sewage from which is directly or indirectly discharged into the sewers or sewage disposal works so vested in the Council, exclusive of any area in the district of the West Kent Main Sewerage Board and any area outside Greater London the sewage from which is so discharged in pursuance only of an agreement under section 28 of the Public Health Act 1936 ;

(c) any expression which is also used in Part II of the Public Health Act 1936 shall have the same meaning as in the said Part II.

(2) An order under subsection (1) (b) of this section defining the sewerage area of the Greater London Council as constituted on 1st April 1965 shall be made so as to come into force on that date and subsequent orders redefining that area shall be made thereunder as occasion may require.

(3) The Greater London Council shall keep, together with the documents relating to the business of the Council, a map or other document showing the extent for the time being of their sewerage area, and that map or other document shall be open to inspection by members of the public.

(4) Any installation or equipment installed or used for the purpose of treating any overflow of sewage from a sewer caused by an excess of storm water shall be deemed for the purposes of this Part of this Act to form part of that sewer and not to be or form part of a sewage disposal works.

(5) Any dispute between two authorities having functions with respect to sewers as to whether a sewer primarily serving the sewerage area of the Greater London Council is or is not a main sewer or whether or not a sewer or sewage disposal works primarily serves a part of that area or a part of Greater London not forming part of that area (other than a dispute which

**PART V** falls to be determined under section 17 of the Public Health Act 1936) shall in default of agreement be determined by the Minister.

## PART VI

### APPLICATION OF PUBLIC HEALTH ACTS AND RELATED ACTS

General application of Public Health Acts.

**40.**—(1) The enactments to which this section applies shall apply or, as the case may be, continue to apply throughout Greater London as they apply elsewhere in England and Wales, but those enactments shall have effect subject to the provisions of subsection (2) of this section and to the modifications specified in Part I of Schedule 11 to this Act.

(2) Subject to any provision to the contrary in the said Part I, and in particular the provisions of the said Part I conferring on the Greater London Council functions with respect to refuse disposal and other matters, the local authority and the urban sanitary authority for the purposes of the said enactments shall—

- (a) for a London borough, be the council of the borough;
- (b) for the City, be the Common Council; and
- (c) for the Inner Temple and the Middle Temple, be the Sub-Treasurer and the Under-Treasurer thereof respectively.

(3) The provisions of Part II of Schedule 11 to this Act shall have effect in Greater London (being provisions reproducing, with modifications designed to bring them into conformity with this Act or the enactments to which this section applies, certain provisions of the Public Health (London) Act 1936 and certain other enactments having effect only in the administrative county of London).

(4) This section applies to the following enactments:—

- (a) the Public Health Acts 1875 to 1925;
- (b) the Public Health Act 1936;
- (c) the Water Acts 1945 and 1948 and the Water Act 1958;
- (d) sections 8 and 12 of the Local Government (Miscellaneous Provisions) Act 1953;
- (e) the Clean Air Act 1956;
- (f) sections 14 to 18 and 23 of the Mental Health Act 1959;
- (g) the Noise Abatement Act 1960; and
- (h) the Public Health Act 1961:

Provided that this section shall not apply to any enactment applied by or mentioned in section 37, 38, 44 or 58 of, or Schedule 9 or 10 to, this Act, except that it applies to sections 1 (2) and 90 and Part XII of the Public Health Act 1936 so far as relating to other enactments to which this section applies.

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**41.**—(1) For the purposes of the Public Health Act 1936 the Port of London shall be a port health district and the Common Council shall be the port health authority for that district; and the Minister of Health may by order—

Port health authority for Port of London.

- (a) confer on the said authority jurisdiction over all waters within the Port of London and also over the whole or part of the district of any riparian authority within the meaning of Part I of that Act as amended by subsection (3) of this section;
  - (b) assign to the said port health authority any of the functions, rights and liabilities of a local authority under any of the enactments to which section 40 of this Act applies or would apply but for the proviso to subsection (4) of that section and under any provision of Part II of Schedule 11 to this Act or any local statutory provision continued in force by section 87 of this Act and any of the functions, rights and liabilities of a local authority or a food and drugs authority under any provision of the Food and Drugs Act 1955; and
  - (c) extend to all waters mentioned in paragraph (a) of this subsection and the whole or part of any district so mentioned any such provision as aforesaid or any instrument made under any such provision, being a provision or instrument which would not otherwise so extend.
- (2) In the foregoing subsection the references to a local authority and the district of an authority shall include references respectively to the Greater London Council and, in relation to that Council, Greater London.
- (3) Part I of the Public Health Act 1936, so far as it relates to port health districts and authorities, shall have effect subject to the following modifications:—
- (a) references in sections 2 and 4 to a local authority and the district of an authority shall be construed in accordance with the last foregoing subsection;
  - (b) no order under the said Part I constituting a port health district shall include any part of the Port of London in that district or confer jurisdiction over any area for the time being subject to the jurisdiction of the port health authority for that port;

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## PART VI

- (c) section 9 shall apply to any order under subsection (1) of this section as it applies to an order under the said Part I constituting a port health district ; and
- (d) in Schedule 1 in its application to the Port of London, paragraphs 2 (1) and 3 and, in paragraph 4 (2), the words from " in respect of " to " foregoing paragraph " shall be omitted.

Medical officers of health and public health inspectors for the City, etc.

**42.—**(1) The provisions of sections 106, 108, 110, 115 and 116 of the Local Government Act 1933 relating to medical officers of health and public health inspectors shall apply to the City, the Inner Temple and the Middle Temple, and accordingly in those sections, so far as they apply to such officers and inspectors, references to a borough and to a borough council or a local authority shall be construed as including references to the City, the Inner Temple and the Middle Temple and to the Common Council, the Sub-Treasurer of the Inner Temple and the Under-Treasurer of the Middle Temple respectively.

(2) The provisions of the said sections 106, 115 and 116 relating to medical officers of health and public health inspectors shall also apply to the port health district of the Port of London, and accordingly in those sections, so far as they apply to such officers and inspectors, references to a borough and to a borough council or a local authority shall also be construed as including references to that district and to the port health authority therefor respectively.

Modifications of London Building Acts.

**43.—**(1) Without prejudice to the application to any part of Greater London by section 40 of this Act of any enactments relating to building control and to buildings and structures, but subject to any order under section 84 of this Act, the relevant provisions of the London Building Acts shall continue to have effect in Greater London other than the outer London boroughs, and Part II of the Act of 1939 and any regulations thereunder and any other relevant provisions of the London Building Acts which relate to the said Part II shall, notwithstanding anything in section 4 of the Act of 1930, extend to the outer London boroughs ; and—

- (a) the Greater London Council shall have the functions of the London county council under all the aforementioned provisions ; and
- (b) the councils of the inner London boroughs and, in the case of provisions which extend to the outer London boroughs, the councils of the outer London boroughs shall have the functions of metropolitan boroughs under the said provisions.

## PART VI

(2) In accordance with the foregoing subsection, in the relevant provisions of the London Building Acts and any byelaws and regulations made thereunder—

- (a) for references to London or the administrative county of London there shall be substituted references to Greater London other than the outer London boroughs ;
- (b) for references to the London county council there shall be substituted references to the Greater London Council, except that for references to instruments of any description made by, or resolutions of, the London county council there shall be substituted references to instruments of that description made by, or resolutions of, that county council or the Greater London Council ;
- (c) for references to the council of a metropolitan borough there shall be substituted references to the council of an inner London borough or, in the case of a provision which extends to the outer London boroughs, references to the council of any London borough, and references to a local authority shall be construed accordingly ;
- (d) for references to the London Building Acts or the provisions of those Acts there shall be substituted references to the relevant provisions of those Acts, and for references to the Act of 1930, 1935 or 1939 (other than references to a specified provision thereof) there shall be substituted references to so much of the said relevant provisions as are contained in that Act.

(3) If the Minister, after consultation with the Greater London Council and any other council concerned, so directs, the Greater London Council shall in the exercise of the power conferred on them by section 5 (1) of this Act delegate such of their functions under the relevant provisions of the London Building Acts as the Minister may specify in the direction.

(4) The expenses incurred by the Greater London Council in the discharge of their functions under the relevant provisions of the London Building Acts which do not extend to the outer London boroughs (including any expenses incurred by the council of an inner London borough or the Common Council as agent for the Greater London Council by virtue of section 5 (1) of this Act) shall be chargeable only on the inner London boroughs and the City.

(5) In this section “ the relevant provisions of the London Building Acts ” means—

- (a) the London Building Acts 1930 to 1939, except the provisions repealed by the next following subsection ;

## PART VI

- (b) sections 6 and 7 of the London County Council (General Powers) Act 1954, and section 3 of that Act so far as it relates to those sections ;
- (c) sections 5 to 13 of, and Schedules 1 and 2 to, the London County Council (General Powers) Act 1955, and section 3 of that Act so far as it relates to those sections and Schedules ;
- (d) section 62 of the London County Council (General Powers) Act 1956 ; and
- (e) sections 15 to 17 of the London County Council (General Powers) Act 1958, and sections 3 and 13 of that Act so far as they relate to the said sections 15 to 17 ;

and references to the Acts of 1930, 1935 and 1939 shall be construed as references respectively to the London Building Act 1930, the London Building Act (Amendment) Act 1935 and the London Building Acts (Amendment) Act 1939.

(6) The following provisions of the London Building Acts 1930 to 1939 shall cease to have effect, that is to say—

- (a) Parts II and III and sections 51 to 53 of the Act of 1930 ;
- (b) section 4 (1) (a) of the Act of 1935 ;
- (c) sections 128 to 131 and 156 of the Act of 1939, and section 148 of that Act so far as it relates to other provisions of the London Building Acts 1930 to 1939 repealed by this subsection.

Cemeteries  
and  
crematoria.

44.—(1) The council of a London borough shall as respects the borough and the Common Council shall as respects the City be the local authority for the purposes of the Public Health (Interments) Act 1879 and the Cremation Acts 1902 and 1952, and—

- (a) the powers conferred by the Burial Acts 1852 to 1906 to provide burial grounds shall not be exercisable by the council of any London borough or the Common Council ; and
- (b) any burial board constituted for an area wholly within Greater London shall cease to exist on 1st April 1965.

(2) No new cemetery shall be provided in Greater London without the previous approval of the Minister.

(3) Subsection (1) of this section shall not affect the power to make an Order in Council under section 1 of the Burial Act 1853 or section 1 of the Burial Act 1855 with respect to the discontinuance of burials ; and—

- (a) the power to make any such Order shall, notwithstanding anything in section 5 of the said Act of 1853 (which precludes the exercise of that power in

## PART VI

the case of cemeteries provided under any Act of Parliament or with the approval of the Minister), be exercisable in relation to all cemeteries provided in or for an area in Greater London, whether provided by virtue of the Public Health (Interments) Act 1879 or otherwise; and

- (b) section 51 of the Burial Act 1852 shall apply to cemeteries in which burials are discontinued by virtue of this subsection as it applies to burial grounds in which interments are discontinued under that Act:

Provided that nothing in any such Order shall prevent the interment of the body of any person in the cathedral church of St. Paul's, London, or in the collegiate church of St. Peter's, Westminster, if Her Majesty signifies Her pleasure that the body be so interred.

(4) In the Burial Acts 1852 to 1906 any reference to the Metropolis shall be construed as a reference to Greater London; and in those Acts in their application to Greater London—

- (a) any reference to a parish (not being a reference which is to be taken as a reference to an ecclesiastical parish) shall, without prejudice to section 68 (5) of the Rating and Valuation Act 1925, as amended by paragraph 13 of Schedule 15 to this Act, be construed as a reference to a London borough or the City, as the case may be; and
- (b) any reference to a burial board shall be construed as a reference to the council of a London borough or the Common Council, as the case may be.

(5) Notwithstanding anything in section 7 of the Burial Act 1900 and without prejudice to section 3 of the Public Health (Interments) Act 1879, the provisions of sections 27 to 31 of the Cemeteries Clauses Act 1847 shall, so far as applicable, continue to apply to the City of London Cemetery, but the foregoing provisions of this subsection shall not affect the right of the incumbent of any ecclesiastical parish in the City to perform funeral services in respect of his own parishioners.

(6) The provision made by an order under section 84 of this Act may include provision that a burial ground provided under the Burial Acts 1852 to 1906 for any area the whole or part of which is included in a London borough, or a cemetery provided by virtue of the said Act of 1879 for any such area, shall be treated as if it were provided for the whole of that borough or, if the area is included partly in one and partly in another borough, as if it were provided for the whole of one or both of those boroughs.

(7) In this section "cemetery" includes a burial ground or any other place for the interment of the dead.

## PART VII

FUNCTIONS AS TO HEALTH AND WELFARE SERVICES AND  
OTHER MATTERS

Local health  
authorities.

45.—(1) Subject to section 19 (2) and (3) of the National Health Service Act 1946 (which relate to joint boards and health committees of local health authorities) and subject to subsection (3) of this section, the local health authority for each London borough shall be the council of that borough and for the City shall be the Common Council.

(2) It shall be the duty of every local health authority in Greater London (so far as concerns the functions conferred or imposed on them by virtue of subsection (1) of this section) to continue to provide for their area on and after 1st April 1965 the services corresponding (with any necessary modifications) with the services which were required or authorised to be provided for that area immediately before that date by the local health authority or authorities for the whole or any part of that area in pursuance of Part III of the said Act of 1946 and of any proposals or arrangements thereunder ; and—

- (a) any such proposals and arrangements in force immediately before that date shall continue in force accordingly until revoked or modified by further proposals or arrangements under the said Part III ;
- (b) such further proposals or, as the case may be, particulars of such further arrangements shall be submitted to the Minister of Health by each local health authority in Greater London within such period after 1st April 1965 as that Minister may direct.

(3) In its application to Greater London, section 27 of the said Act of 1946 (which imposes a duty on local health authorities to provide ambulance services) shall have effect as if for any reference to the local health authority there were substituted a reference to the Greater London Council ; and so far as concerns the duty imposed on that Council by virtue of this subsection—

- (a) subsection (2) of this section shall apply to that Council as it applies, so far as concerns functions conferred or imposed by virtue of subsection (1) of this section, to a local health authority ;
- (b) the following provisions shall apply to that Council as if they were the local health authority for the whole of Greater London, that is to say—
  - (i) in the said Act of 1946, sections 2, 20, 57, 58, 63, 65, 66, 71, 72 and 74 ;
  - (ii) section 24 of the National Health Service (Amendment) Act 1949 ;



(iii) the National Health Service (Amendment) Act 1957. PART VII

(4) The Greater London Council shall have the like powers of contributing to voluntary organisations as are conferred on local health authorities by sections 22 (5) and 28 (3) of the said Act of 1946.

(5) Section 55 (1) of the said Act of 1946 (which relates to the accounts of local health authorities who are county borough councils) shall apply to the Common Council as it applies to a county borough council.

(6) In section 79 (1) of the said Act of 1946, in the definition of "local authority", for the words "metropolitan borough" there shall be substituted the words "London borough, the Greater London Council"; and in section 20 (2) (c) of that Act and in paragraph 6 of Part II of Schedule 4 to that Act, for the words "forming part of" there shall be substituted the words "the whole or part of which is included in".

(7) In paragraph 2 of Part II of Schedule 4 to the said Act of 1946, any reference to the council of a county borough shall be construed as including a reference to the council of a London borough and to the Common Council.

46.—(1) The council of each London borough shall as respects the borough and the Common Council shall as respects the City—

- (a) be the local authority for the purposes of the National Assistance Act 1948 (including Part III thereof);
- (b) have the functions conferred by or by virtue of that Act on councils of county boroughs;
- (c) be the local authority for the purposes of section 3 of the Disabled Persons (Employment) Act 1958.

Accommodation and welfare of disabled and old persons, etc.

(2) In accordance with the foregoing subsection, but subject to the subsequent provisions of this section, the following references, that is to say—

- (a) references in any enactment to the local authority or registration authority within the meaning or for the purposes of either of the said Acts or any provision thereof;
- (b) references to a local authority, so far as concerns the functions of such an authority under either of those Acts or any provision thereof;
- (c) references in the said Act of 1948 to the council of a county borough,

shall be construed in relation to Greater London as references to the council of a London borough or the Common Council,

**PART VII** as the case may be; and references in any enactment to the area of any such authority, and references in the said Act of 1948 to a county borough, shall be construed accordingly.

(3) The Greater London Council shall have the like powers of contributing to the funds of voluntary organisations as are conferred on the councils of London boroughs by sections 26 (6), 30 (2) and 31 (3) of the said Act of 1948.

(4) The functions of the council of a county borough under section 47 of the said Act of 1948 (which relates to the removal to suitable premises of persons in need of care and attention) and section 50 of that Act (which relates to the burial and cremation of the dead) shall, as respects the Inner Temple and the Middle Temple, be exercisable by the Sub-Treasurer and the Under-Treasurer thereof respectively, and those persons shall be included among the appropriate authorities specified in sections 47 (12) and 50 (2) of that Act.

(5) Without prejudice to paragraph 27 (a) of Schedule 4 to this Act, section 59 of the said Act of 1948 (which relates to the accounts of county borough councils) shall not apply to the London borough councils.

(6) It shall be the duty of each London borough council and of the Common Council to continue to provide for the area of the council on and after 1st April 1965 the accommodation and the services and facilities for disabled persons corresponding (with any necessary modifications) with those which were required or authorised to be provided for that area immediately before that date by the local authority or authorities for the whole or any part of that area in pursuance of the provisions of Part III of the said Act of 1948 or of section 3 of the said Act of 1958 and of any schemes made under those provisions; and any such schemes in force immediately before that date shall continue in force until revoked or modified by further schemes under the relevant provisions of the next following subsection.

(7) It shall be the duty of each London borough council and of the Common Council, within such period after 1st April 1965 as the Minister of Health may by directions specify, to submit schemes for the exercise of the council's functions with respect to the provision for the area of the council of accommodation and of services and facilities for disabled persons and section 34 of the said Act of 1948 shall apply to schemes under this section as it applies to schemes under sections 21 and 29 of that Act:

Provided that in relation to the provision of facilities for disabled persons this subsection shall have effect as if for the references therein and in the said section 34 to the Minister of Health there were substituted references to the Minister of Labour.

## (8) In this section—

- (a) references to accommodation provided under Part III of the said Act of 1948 and to a local authority providing accommodation shall be construed as if they were contained in the said Part III;
- (b) references to services for disabled persons shall be construed as references to the services required or authorised to be provided under section 29 of that Act for persons who are substantially and permanently handicapped, including persons suffering from any form of mental disorder; and
- (c) references to facilities for disabled persons are references to facilities for employment for them or work on their own account, or for their training for such employment or work, required or authorised to be provided under section 3 of the Disabled Persons (Employment) Act 1958.

47.—(1) Subject to subsection (2) of this section, the council of each London borough shall as respects the borough, and the Common Council shall as respects the City, have the functions of the council of a county borough under the enactments to which this section applies and be the local authority for the purposes of such of those enactments as refer to a local authority; and accordingly references to the council of a county borough or a local authority in those enactments, in the amendment of section 96 of the Children and Young Persons Act 1933 made by Schedule 4 to the Acquisition of Land (Authorisation Procedure) Act 1946 and in the definition of “remand home” in any enactment shall, subject as aforesaid, be construed as including references to the council of a London borough and the Common Council. Children authorities.

(2) Section 96 (4) of the Children and Young Persons Act 1933 shall not apply to expenses incurred by the Common Council, and, without prejudice to paragraph 27 (a) of Schedule 4 to this Act, subsections (2) and (3) of section 49 of the Children Act 1948 shall not apply to the accounts kept by a London borough council under that section.

## (3) The enactments to which this section applies are—

- (a) Parts III, IV and V of the Children and Young Persons Act 1933 and Part VI of that Act so far as it relates to the said Parts III, IV and V;
- (b) the Children Act 1948;
- (c) sections 48 and 49 of the Criminal Justice Act 1948;
- (d) Part I of the Children Act 1958;
- (e) the Adoption Act 1958;

## PART VII

(f) any other enactment conferring functions for the purposes of which a local authority are required to establish a children's committee under section 39 of the Children Act 1948.

(4) The Greater London Council may make contributions to any voluntary organisation—

(a) whose object or primary object is to promote the welfare of children ; or

(b) who are providing advice, guidance and assistance such as to promote the welfare of children by diminishing the need to receive children into or keep them in care under the Children Act 1948 or the Children and Young Persons Act 1933 or to bring children before a juvenile court.

Fire  
authorities.

48.—(1) The Greater London Council shall be the fire authority for Greater London for the purposes of the Fire Services Acts 1947 to 1959, and accordingly—

(a) references in those Acts to a county and to a county council shall be construed as including references to Greater London and the Greater London Council respectively ;

(b) references in any other enactment to a fire authority or to a fire authority constituted by, or for the purposes of, the Fire Services Act 1947 shall, in the application of that enactment to Greater London, be construed as references to the Greater London Council.

(2) Not later than the end of 1964, the Greater London Council shall prepare and submit to the Secretary of State for his approval an establishment scheme for a fire brigade for Greater London under section 19 of the Fire Services Act 1947 to come into force on 1st April 1965, and the Secretary of State shall not later than 15th March 1965 approve that scheme either as submitted or subject to such modifications as he may direct.

(3) The Metropolitan Fire Brigade Act 1865 shall have effect as if references to the Metropolitan Board of Works were references to the Greater London Council and references to the metropolis were references to Greater London other than the outer London boroughs.

## Civil defence.

49.—(1) Subject to subsection (2) of this section, the functions conferred or imposed by or by virtue of any provision of the Civil Defence Acts 1937 and 1939 or of regulations under the Civil Defence Act 1948 on a local authority within the meaning of that provision or on a council of a specified description shall—

(a) if expressed to be conferred or imposed on a fire authority or if relating to ambulance services or a

service for the collection and removal of casualties or to the section of the Civil Defence Corps formed for stretcher bearing and giving first aid, be exercisable throughout Greater London by the Greater London Council ;

- (b) if relating to the making and carrying out of plans for the dispersal of members of the civil population or for their maintenance and temporary accommodation when dispersed, be exercisable as respects a London borough or the City by the Greater London Council as well as by the council of the borough or the Common Council, as the case may be ;
- (c) in any other case be exercisable as respects a London borough by the council of that borough and as respects the City by the Common Council ;

and accordingly any reference in the said Acts of 1937 and 1939 and in those regulations to a local authority or a council of a specified description shall, so far as relates to the exercise of any such function in Greater London, be construed as a reference to the council or councils to whom the function is transferred by this subsection.

(2) The foregoing subsection shall not apply to functions conferred or imposed on police authorities, statutory water undertakers or sewerage authorities.

(3) For the purpose of determining whether any, and if so what, deduction should be made from grants payable in accordance with regulations under section 3 of the Civil Defence Act 1948 to a local authority to whom functions are transferred by subsection (1) of this section from another authority, any land or article acquired by, or article provided for, that other authority for the purposes of those functions shall be treated as having been acquired or, as the case may be, provided for the first-mentioned authority for those purposes.

(4) Any power to vary or revoke regulations made under the Civil Defence Act 1948 shall include power to amend or repeal subsections (1) and (3) of this section so far as those subsections amend those regulations.

(5) For section 58 (4) of the Civil Defence Act 1939 there shall be substituted the following subsection :—

“ (4) The Greater London Council may be authorised by a scheme submitted by them under this section to exercise, for the purpose of securing supplies of water for extinguishing fires in Greater London caused by hostile attack, any powers exercisable under paragraph 1 (1) of Part III of Schedule 9 to the London Government Act 1963 in connection with the functions there mentioned, and to exercise

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those powers in any part of Greater London, notwithstanding that it is outside the sewerage area of the Greater London Council as defined by section 39 of that Act, and without compliance with any requirement mentioned in paragraph 1 (4) of the said Part III; and where they are authorised to exercise such powers paragraph 9 of the said Part III shall apply accordingly”;

and in section 58 (5) of the said Act of 1939 for the reference to the London county council there shall be substituted a reference to the Greater London Council.

(6) In section 33 (4) (a) of the Civil Defence Act 1939 (as amended by Part III of Schedule 1 to the Public Health Act 1961) for the words “outside the administrative county of London” there shall be substituted the words “outside Greater London and in the outer London boroughs”.

**Explosives and petroleum-spirit.**

**50.**—(1) Subject to subsection (3) of this section, the council of a London borough shall be the local authority for the borough for the purposes of the Explosives Acts 1875 and 1923 and the Fireworks Act 1951.

(2) Subject to subsection (3) of this section, the Greater London Council shall be the local authority empowered to grant petroleum-spirit licences as respects Greater London under the Petroleum (Consolidation) Act 1928; and accordingly for section 2 (1) (a) and (b) of that Act there shall be substituted—  
“ (a) in Greater London, the Greater London Council ”.

(3) Subsections (1) and (2) of this section shall not affect the jurisdiction exercisable in any harbour wholly or partly in Greater London by a harbour authority within the meaning of the Explosives Act 1875 or, as the case may be, the Petroleum (Consolidation) Act 1928.

**Shops, etc.**

**51.**—(1) The council of a London borough shall as respects the borough, and the Common Council shall as respects the City, be the local authority for the purposes of the Offices, Shops and Railway Premises Act 1963, and the Greater London Council shall have the functions of the London county council under that Act; and accordingly—

(a) in the definition of “local authority” in section 90(1) of that Act, for the words “or a county district, the council of a metropolitan borough” there shall be substituted the words “a London borough or a county district”; and

(b) for the words “London County Council” wherever they occur in that Act there shall be substituted the words “Greater London Council”.

(2) The said Act of 1963 shall be further amended as follows:— PART VII

- (a) in section 41(1) for the words “administrative county of London” there shall be substituted the words “inner London boroughs, the City of London, the Inner Temple and the Middle Temple”;
- (b) in section 41(3) for the words “administrative county of London” there shall be substituted the words “inner London boroughs, the City of London, the Inner Temple or the Middle Temple”;
- (c) in section 52(3)(a) after the word “county” there shall be inserted the words “or the Greater London Council”;
- (d) in section 52(5) for the words “administrative county of London” there shall be substituted the words “Greater London”.

(3) No order shall be made under section 54 of the Shops Act 1950 other than an order revoking, either generally or as respects a specified area, a previous order under that section; and, in relation to any area outside the City and the Temples, the power of making such an order under that section shall be exercisable by the council of the London borough in which that area falls, and references in subsections (2) to (4) of that section and in any order made thereunder to the London county council shall be construed as references to that borough council.

(4) Until finally repealed as respects all classes of premises and for all purposes by the said Act of 1963—

- (a) section 72(2) of the Shops Act 1950 shall have effect throughout Greater London as originally enacted and not as amended by section 18 of the London County Council (General Powers) Act 1958;
- (b) the definition of “sanitary authority” in section 74(1) of the Shops Act 1950 shall have effect as if for the words from “means” onwards there were substituted the words “means the council of a borough or an urban or rural district or, as respects the City of London, the Common Council”.

52.—(1) The authority under the Theatres Act 1843 for the licensing of houses or places for the public performance of stage plays in any part of Greater London in which the lord chamberlain of Her Majesty’s household is not that authority shall be the Greater London Council. Licensing of theatres, public entertainments, etc.

(2) The provisions of the Cinematograph Act 1909, except section 5 thereof, shall apply to Greater London as if it were a

**PART VII** county and the Greater London Council were the council of that county; and section 1 of the Sunday Entertainments Act 1932 shall extend to the whole of Greater London and, in its application to Greater London, have effect as if subsection (5) were omitted.

(3) Schedule 12 to this Act shall have effect with respect to the licensing of the public entertainments referred to in that Schedule in Greater London and with respect to the functions of the Greater London Council by virtue of subsections (1) and (2) of this section.

Licensing  
of tracks for  
betting.

**53.**—(1) The authority empowered to grant licences under Schedule 3 to the Betting, Gaming and Lotteries Act 1963 authorising the provision of betting facilities on tracks shall, in relation to Greater London, be the Greater London Council; but that Council may delegate their functions under that Schedule to a committee consisting of members thereof, and in that case—

- (a) if the committee are specially appointed for the purpose, the number and term of office of the members thereof shall be fixed by the Greater London Council; and
- (b) subject to the provisions of that Schedule and to any directions given by the Greater London Council, the procedure of the committee shall be such as they may themselves determine;

and section 5 (1) of this Act shall not apply to any functions of the Greater London Council by virtue of this section.

(2) Where, apart from this subsection, the betting days within the meaning of paragraph 14 of the said Schedule 3 for Greater London would fall to be fixed for the period of twelve months beginning with 1st July in any year in accordance with paragraph 15 (4) of that Schedule, then, if within the period of one month from the date of the publication of the notice referred to in paragraph 15 (2) of that Schedule the authority referred to in subsection (1) of this section receive written notice signed by all the holders of licences under that Schedule for the time being in force in respect of tracks in Greater London, being tracks—

- (a) which, immediately before 1st April 1965, were in the same licensing area for the purposes of that Schedule; and
- (b) in respect of which such licences were in force immediately before that date,

stating that the signatories unanimously desire that the betting days for that period of twelve months for those tracks should be the days specified in the notice given under this subsection,



and those days are days which might lawfully be fixed under that Schedule as the betting days for that period, that authority shall fix as the betting days for those tracks for that period the days so specified and the said paragraph 15 (4) shall not apply thereto.

(3) Where in the case of any particular track or group of tracks the betting days for any such period of twelve months as aforesaid are fixed by virtue of subsection (2) of this section, so much of paragraph 14 (3) of the said Schedule 3 as requires the betting days or, as the case may be, the four of those days fixed as special betting days for the purposes of section 7 (2) of the said Act of 1963 to be the same for the whole of Greater London shall be construed in relation to that period as a requirement that—

- (a) those of any betting days fixed by virtue of subsection (2) of this section which are fixed as special betting days shall be the same for all the tracks for which those betting days are fixed ;
- (b) any betting days fixed otherwise than by virtue of subsection (2) of this section and those of them fixed as special betting days shall be the same for the whole of Greater London ;

and unless the betting days fixed for that period are the same for the whole of Greater London, any reference in section 6 (3) or 15 (1) (a) of the said Act of 1963 to one of the betting days fixed as mentioned in that provision shall be construed in relation to any track in Greater London as a reference to one of the days fixed in accordance with that Schedule or subsection (2) of this section as the days on which betting facilities may be provided on that particular track.

54.—(1) The council of a London borough shall, as respects that borough, be—

Food, drugs  
markets and  
animals.

- (a) both the food and drugs authority and the local authority for the purposes of the Food and Drugs Act 1955 ;
- (b) the authority responsible for enforcing section 31 of that Act (which prohibits the sale of milk from diseased cows) ; and
- (c) the local authority for the purposes of the Slaughter-houses Act 1958 and the Slaughter of Animals Act 1958 ;

and the Common Council shall, as respects the City, be the authority responsible for enforcing the said section 31 and the local authority for the purposes of each of the said Acts of 1958 ; and in the said Act of 1955 Part III (which relates to the provision and regulation of markets) shall extend to all the London

## PART VII

boroughs, Part IV (which relates to slaughterhouses, knackers' yards, and cold-air stores) shall extend to the whole of Greater London, and so much of section 15 (2) as restricts the power of local authorities in London to make byelaws under that section shall cease to have effect.

(2) Notwithstanding anything in subsection (1) of this section, neither the council of any London borough nor the Common Council shall be required to carry out a review of, or submit a report on, slaughterhouse facilities under section 3 of the Slaughterhouses Act 1958, and section 4 (3) of that Act shall not apply to any such council; but—

(a) in relation to the council of an inner London borough or the Common Council, section 4 (1) and (2) of that Act shall have effect as if the following provisions thereof were omitted, that is to say—

(i) in the said section 4 (1), the words from the beginning to “last foregoing section” and paragraphs (a) and (b);

(ii) in the said section 4 (2), the words from “after” to “apply and”;

(b) in relation to the council of an outer London borough, sections 4 (1) and (2) and 6 (1) of that Act shall have effect as if any report submitted under section 3 of that Act which relates, or so far as it relates, to the area of that borough had been submitted by that council and any application refused under the said section 6 (1) by the authority by whom that report was submitted had been so refused by that council.

(3) For the purposes of the Diseases of Animals Act 1950—

(a) subject to paragraph (b) of this subsection, the council of a London borough shall be the local authority for the borough;

(b) for the purpose of the provisions of that Act relating to imported animals, the Common Council shall be the local authority in and for the whole of Greater London.

(4) The Diseases of Animals Act 1950, the Food and Drugs Act 1955 and the Slaughter of Animals Act 1958 shall have effect subject to the modifications specified in relation thereto in Parts I, II and III respectively of Schedule 13 to this Act, being modifications consequential on the foregoing provisions of this section.

Smallholdings,  
allotments,  
etc.

55.—(1) Part IV of the Agriculture Act 1947 (which relates to smallholdings) shall apply to the Greater London Council as it applies to a county council, and accordingly in section 47 (1) of that Act (which makes it the duty of every county council

other than the London county council to provide smallholdings) **PART VII**  
for the words "other than the London County Council" there shall be substituted the words "and of the Greater London Council".

(2) The Greater London Council shall have the like powers as a county council under section 12 of the Agricultural Land (Utilisation) Act 1931 with respect to the provision of cottage holdings; and any remaining functions under the provisions of the Small Holdings and Allotments Acts 1908 to 1931 repealed by the Small Holdings and Allotments Act 1926 or saved by proviso (a) to section 67 (2) of the Agriculture Act 1947 which, by virtue of section 19 (1) of the said Act of 1926 or the said section 67 (2), were exercisable immediately before 1st April 1965 by the Middlesex county council shall as from that date become functions of the Greater London Council.

(3) Section 61 (3) of the Agriculture Act 1947 (which relates to the matters which may be referred by a smallholdings authority to the smallholdings committee constituted by that authority under section 61 (1) of that Act) shall apply to the Greater London Council as it applies to the council of a county; and in section 71 (8) (c) of that Act (which relates to the discharge of the functions of County Agricultural Executive Committees in the existing county of London) for the words "the county of London" there shall be substituted the words "Greater London".

(4) In its application to an inner London borough, section 23 of the Small Holdings and Allotments Act 1908 shall have effect as if—

- (a) in subsection (1) for the word "shall" wherever it occurs there were substituted the word "may"; and
- (b) subsection (2) were omitted;

and in section 20 of the Allotments Act 1922 for the words "Metropolitan borough" there shall be substituted the words "outer London borough".

**56.**—(1) The Public Libraries Act 1892 shall be deemed to have been adopted in every London borough and each London borough shall be a library district within the meaning of that Act; and— Library authorities.

- (a) in section 13 (2) (e) of that Act, for the words "the administrative county of London" there shall be substituted the words "Greater London";
- (b) section 20 of that Act, section 8 of the Public Libraries Act 1901 and section 3 of the Public Libraries Act 1919 shall not apply to any London borough;

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(c) section 6 of the Public Libraries Act 1919 shall apply to a London borough council whether or not they are the local education authority.

(2) In section 13 of the Public Libraries Act 1901, for the words "administrative county" there shall be substituted the word "City".

Provision of entertainments, concert halls, museums, etc.

**57.**—(1) The Greater London Council shall be a local authority for the purposes of section 132 of the Local Government Act 1948 (which relates to the powers of local authorities with respect to the provision of entertainments).

(2) Any property (including the Royal Festival Hall) which immediately before 1st April 1965 was held by the London county council by virtue of any of the following enactments, that is to say—

- (a) section 46 of the London County Council (General Powers) Act 1901 (which relates to the Horniman museum);
- (b) the Iveagh Bequest (Kenwood) Act 1929;
- (c) section 3 of the London County Council (General Powers) Act 1940 (which relates to certain ponds at Ken Wood, Hampstead Heath and Parliament Hill);
- (d) section 4 of the London County Council (General Powers) Act 1947 (which relates to the provision of concert halls, etc.);
- (e) the London County Council (Crystal Palace) Act 1951;
- (f) section 29 of the London County Council (General Powers) Act 1959 (which relates to the Geffrye museum),

shall on that date vest in the Greater London Council; and the functions of the London county council by virtue of the enactments referred to in paragraph (a), (b), (e) or (f) of this subsection or by virtue of section 20 of the London County Council (General Powers) Act 1952 (which relates to the exhibition at Ken Wood of drawings from Sir John Soane's museum) shall on that date become functions of the Greater London Council.

Parks and open spaces.

**58.**—(1) The following provisions (being provisions relating to the powers of local authorities with respect to parks and open spaces), that is to say, section 164 of the Public Health Act 1875, the Open Spaces Act 1906 (other than section 14 thereof) and sections 52 to 54 of the Public Health Act 1961, and, for the purposes of the said section 54, the provisions therein mentioned of the Public Health Act 1936, shall have effect as if—

- (a) the London borough councils, and
- (b) for the purposes of any park or open space for the time being vested in the Greater London Council or of the

provision of further parks or open spaces where that provision is—

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(i) by way of the appropriation of land held for other purposes, being, notwithstanding anything in section 23 of the Town and Country Planning Act 1959, an appropriation made with the consent of the Minister ; or

(ii) approved by the Minister as being for the benefit of an area of Greater London substantially larger than the London boroughs in or near which the park or open space is proposed to be provided,

the Greater London Council,

were included among the local authorities to whom the provision in question applies.

(2) Any land which immediately before 1st April 1965 was vested in the London or Middlesex county council and used as a park or open space, not being land to which section 57(2) or 59(1) of this Act applies, shall on that date vest in the Greater London Council ; but, not later than 31st March 1970 or such later date before 1st April 1975 as the Minister may direct, the Greater London Council shall, after consultation with the London borough councils, prepare and submit to the Minister a scheme with respect to that land—

- (a) containing proposals as to what part, if any, of that land should, in the opinion of the Greater London Council, be retained by that Council and giving their grounds for that opinion ;
- (b) providing with respect to the remainder of that land for the transfer of any park or open space comprised therein to one, or to two or more jointly, of the London borough councils, and, in the case of a transfer to two or more councils jointly, providing for the management and control of the park or open space by a body representative of both or all of those councils ;
- (c) in the case of any of that land proposed to be transferred, indicating any necessary modifications of any local Act or other instrument with respect to the land in question ;

and the Minister may by order, after consultation with the Greater London Council and any London borough council to whom the order relates or in whose area any of the land is situated, give effect to the scheme without modification or with such modifications as the Minister thinks fit or make such other provision for the retention by the Greater London Council, or the transfer to one, or to two or more jointly, of the London borough councils, of any of that land as appears to the Minister appropriate ; and any reference in this subsection to a London borough council shall be construed as including a reference to

**PART VII** the Common Council and, in relation to any land outside Greater London, as including a reference to the council of any county or county district in whose area any of the land is situated.

(3) Until the coming into operation of the Minister's order under subsection (2) of this section, one half of the expenditure of the Greater London Council in the exercise of functions with respect to parks and open spaces, being functions which immediately before 1st April 1965 were functions of the London county council, shall be treated as expenditure for special London purposes and be chargeable only on the inner London boroughs, the City and the Temples.

**The Green Belt.**

**59.**—(1) Where, in the case of any Green Belt land within the meaning of the Green Belt (London and Home Counties) Act 1938, immediately before 1st April 1965—

(a) that land, not being land to which section 81 (1) of this Act applies, was vested in the London or Middlesex county council ; or

(b) any functions, rights or liabilities were exercisable with respect to that land by either of those councils,

then on that date that land shall vest in, or, as the case may be, those functions, rights and liabilities shall become functions, rights and liabilities of, the Greater London Council.

(2) In the said Act of 1938—

(a) in section 2 (1), in the definition of “ the area ”, for the words from “ London ” onwards there shall be substituted the words “ and Surrey, and Greater London ” ;

(b) the expression “ local authority ” shall include the Greater London Council ;

(c) the expression “ contributing local authority ” in relation to any land in relation to which, if this Act had not been passed, any existing council to whom section 3 (1) (b) of this Act applies would have been such an authority, shall, if that existing council is the London or Middlesex county council, include the Greater London Council or, in any other case, include the London borough council whose area includes the whole or any part of the area of that existing council ;

(d) in sections 5, 6, 12, 15 and 32, the expression “ the county council ” in relation to any land in Greater London shall mean the Greater London Council ;

(e) in section 17 (7) for the words “ county or borough or district or parish ” there shall be substituted the word “ area ”.

**60.**—(1) Subject to the provisions of this section, as respects any part of the existing county of Hertfordshire, Essex, Kent or Surrey which on 1st April 1965 ceases to be part of that county and as respects any part of the existing county of Middlesex, any functions under sections 27 to 34 of the National Parks and Access to the Countryside Act 1949 (which relate to the ascertainment of footpaths, bridleways and certain other highways) which on 31st March 1965 still remained to be discharged by the county council shall on 1st April 1965 become functions—

**PART VII**  
**Functions**  
**under**  
**National Parks**  
**and Access to**  
**the Country-**  
**side Act 1949.**

- (a) in the case of any area falling within a London borough, of the council of that borough ;
  - (b) in the case of any part of the urban district of Potters Bar, of the Hertfordshire county council ;
  - (c) in the case of any part of the urban district of Staines or Sunbury-on-Thames, of the Surrey county council ;
- and, in the case of an area mentioned in paragraph (b) or (c) of this subsection, the county council so mentioned shall not be required to discharge as respects that area any functions under the said sections 27 to 34 already discharged by the Middlesex county council.

(2) As respects any part of a London borough to which the said sections 27 to 34 do not apply by virtue of subsection (1) of this section and as respects any part of the City, subsections (2), (3) and (5) of section 35 of the said Act of 1949 (which relate to the extension of the said sections 27 to 34 to county boroughs) and, as respects any part of any London borough or the City, subsection (4) of that section (which relates to the exclusion of parts of a county from the operation of those sections) shall apply in relation to that London borough and the council thereof or to the City and the Common Council, as the case may be, as they apply in relation to a county borough (or, in the case of the said subsection (4), a county) and the council thereof.

(3) The London borough council to whom any functions of any county council other than the Middlesex county council are transferred by virtue of subsection (1) of this section may agree with the county council for the performance of any of those functions by that county council on behalf of the borough council ; and where by virtue of subsection (1) or (2) of this section the said sections 27 to 34 for the time being apply to any part of any London borough or the City, the borough council or Common Council, as the case may be, may agree with the Greater London Council for the functions of the borough council or Common Council under the said sections 27 to 34 to be discharged by the Greater London Council, and

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**PART VII** while such an agreement with the Greater London Council is in force—

(a) references in Part IV of the said Act of 1949 to the surveying authority shall be construed accordingly;

(b) section 28 (1) of the said Act of 1949 shall have effect in relation to a survey carried out by the Greater London Council as if the reference therein to the councils of county districts and parishes were a reference to the borough council or Common Council, as the case may be.

(4) In section 23 of the said Act of 1949, the reference to the local planning authority shall be construed in relation to land in a London borough or the City as a reference to the borough council or, as the case may be, the Common Council.

(5) The provisions of Part V of the said Act of 1949 with respect to access agreements and access orders and section 90 of that Act shall not apply to the inner London boroughs or the City; and in relation to land in an outer London borough references in sections 64 to 82 and 90 of that Act to the local planning authority shall be construed as references to the borough council.

(6) In section 89 of the said Act of 1949 the expression “local planning authority”, and in section 99 of that Act the expression “local authority”, shall include the Greater London Council, a London borough council and the Common Council; and in section 102 of that Act—

(a) the expression “local planning authority” shall include the council of an outer London borough; and

(b) the expression “local authority” shall include the Greater London Council.

Functions  
under Town  
Development  
Act 1952.

**61.**—(1) As respects participation in town development within the meaning of the Town Development Act 1952, and as respects the power to contribute towards expenses of such development conferred by sections 4 and 10(3) of that Act on the council of a county borough, the Greater London Council shall be in the same position under that Act as the council of a county borough, and accordingly references in that Act to the council of a county borough as an authority participating or eligible to participate and the references to the council of a county borough in sections 4, 10(3) and 12(1) of that Act shall include references to the Greater London Council; and, for the purposes of any such development in respect of which the Greater London Council have power under the said section 4 to make a contribution to the council of any receiving district within the meaning of that Act, they shall also have power to make available to that council the services of any of their officers or servants.



(2) In section 2(1)(b) of the said Act of 1952, for subparagraphs (ii) and (iii) there shall be substituted the following—

“(ii) Greater London ; or

(iii) a county district in an area of continuous urban development adjacent to any big centre of population other than Greater London ; or”.

(3) It shall be the duty of the Greater London Council—

(a) to implement, or complete the implementation of, any undertaking given before 1st April 1965 with the approval of the Minister—

(i) under section 4, 10(3) or 19(3) of the said Act of 1952 (including the said section 4 as extended by section 34(2) of the Housing Act 1961) by any council to whom section 3(1)(b) of this Act applies ; or

(ii) under the said section 4 (as extended as aforesaid) by the Hertfordshire, Essex, Kent or Surrey county council in a case where the undertaking was in respect of development relieving congestion in any area falling within Greater London ;

(b) to take or complete any action which was agreed to be taken by any council to whom section 3(1)(b) of this Act applies in pursuance of an agreement made before 1st April 1965, being an agreement made with the authority of the Minister under section 8(1) of the said Act of 1952 or an agreement such as is referred to in section 8(2) of that Act ;

and the Greater London Council shall have the like rights under any agreement to which paragraph (b) of this subsection applies as the council whose liabilities thereunder they assume by virtue of that paragraph.

(4) References in subsection (3) of this section to an undertaking given or action agreed to be taken by any council shall be construed as including references to any undertaking or action which, having regard to the established practice of that council, should properly be deemed to have been so given or to have been so agreed to be taken ; and any dispute as to the existence or extent of any duty, right or liability of the Greater London Council by virtue of the said subsection (3) or as to whether or not any particular undertaking or action should properly be deemed as aforesaid shall be referred to and determined by the Minister.

(5) Any action authorised by an order under section 9 of the said Act of 1952 to be taken by any council to whom section 3(1)(b) of this Act applies may be taken by the Greater London Council ; and that Council shall have the like liabilities and

**PART VII** rights in connection with any obligation with respect to that action imposed by the order as the council originally authorised by the order to take that action.

Miscellaneous  
local  
authority  
functions.

**62.**—(1) The London borough councils and (where not already so) the Common Council shall be local authorities for the purposes of the following enactments—

- (a) the Canals Protection (London) Act 1898, which shall extend to the whole of Greater London ;
- (b) the Celluloid and Cinematograph Film Act 1922, which shall extend to the whole of Greater London ;
- (c) the Pharmacy and Poisons Act 1933 ;
- (d) section 17 of the Restriction of Ribbon Development Act 1935 ;
- (e) the Riding Establishments Act 1939 ;
- (f) the Schedule to the Consumer Protection Act 1961, including that Schedule as applied by section 6 (3) (b) of that Act.

(2) Schedule 14 to this Act shall have effect with respect to the discharge in Greater London and the adjoining areas of functions with respect to land drainage and flood prevention and other functions under the enactments therein mentioned.

(3) Without prejudice to the operation in Greater London of the Places of Worship Registration Act 1855, nothing in this Act shall transfer to any local authority in Greater London any functions under the Places of Religious Worship Act 1812.

(4) Unless provision for the purpose is made by some other Act passed during the same session as this Act, the Board of Trade may, as respects Greater London or any part thereof, by order make provision as to the authority by whom there shall be exercised on and after 1st April 1965 any function conferred on local authorities by the enactments relating to weights and measures.

(5) The confirmation and record of the rules of loan societies under the Loan Societies Act 1840 shall as respects any such society formed in Greater London be functions of the Greater London Council ; and accordingly in relation to that Act sections 3 and 78 of the Local Government Act 1888 shall have effect as if Greater London were a county and the Greater London Council were the council of that county.

### PART VIII

#### RATING AND VALUATION AND ASSOCIATED MATTERS

Rating and  
valuation.

**63.**—(1) Each London borough shall be a rating area and the rating authority therefor shall be the council of the borough ; and, subject to subsection (2) of this section, the Rating and Valuation Act 1925 shall apply in Greater London as it applies elsewhere in England and Wales.

(2) The enactments relating to rating and valuation in England and Wales shall have effect subject to the modifications thereof specified in Schedule 15 to this Act, being—

- (a) modifications consequential on the foregoing subsection and other provisions of this Act ; or
- (b) modifications of the said Act of 1925 in its application to Greater London ; or
- (c) modifications extending to the whole of Greater London provisions applicable to the existing county of London.

64.—(1) The authorities to whom general grants are payable under Part I of the Local Government Act 1958 shall include the London borough councils and the Common Council, and accordingly references in the said Part I to recipient authorities shall include references to those councils. General grants.

(2) The expenditure which qualifies as relevant expenditure for the purposes of the said Part I shall include expenditure incurred by or on behalf of the Greater London Council in respect of the carrying out of that Council's functions by virtue of section 45(3) of this Act and any expenditure by way of contributions by that Council—

- (a) by virtue of section 45(4) or 47(4) of this Act ; or
- (b) by virtue of section 46(3) of this Act so far as it relates to section 26(6) of the National Assistance Act 1948.

(3) Where the provision of any service giving rise to relevant expenditure within the meaning of the said Part I as amended by the last foregoing subsection is a function of the Greater London Council or of a joint board whose district is wholly or partly comprised in a London borough or in the City, section 3 (1) of the said Act of 1958 (which enables the Minister to reduce a general grant in the case of default by a recipient authority) shall in relation to that borough or the City, as the case may be, apply to a failure on the part of the Greater London Council or the joint board to achieve or maintain reasonable standards as it would apply if the failure were that of the council of that borough or the Common Council, as the case may be.

(4) In its application to the council of an inner London borough or the Common Council, paragraph 4 of Part III of Schedule 1 to the said Act of 1958 shall have effect as if in sub-paragraph (1) thereof—

- (a) for any reference to the local education authority there were substituted a reference to the Inner London Education Authority ;
- (b) the reference to the centres provided as mentioned in that sub-paragraph were a reference to such centres provided by the council of any of the inner London boroughs or the Common Council ;

## PART VIII

(c) for the first reference to the area of the authority there were substituted a reference to the Inner London Education Area and the second such reference were a reference to the inner London borough in question or, as the case may be, the City ;

and, for the purposes of sub-paragraph (2) (b) of that paragraph, as if the Inner London Education Area were the area of a single local health authority.

(5) In paragraph 8 (3) of the said Part III, for the words " the administrative county of London " there shall be substituted the words " Greater London " .

## Rate-deficiency grants.

**65.**—(1) The authorities to whom rate-deficiency grants under Part I of the Local Government Act 1948 may become payable shall include the London borough councils, and accordingly references to those councils shall be substituted for references to metropolitan borough councils in sections 5 and 6 of the Local Government Act 1958 (which regulate the cases in which and conditions subject to which such grants are payable).

(2) For the purposes of the said section 5, sums payable by an authority by virtue of a precept issued by the Greater London Council, in so far as payable in respect of expenditure of that Council for general London purposes, shall not be treated as expenditure of the authority paying those sums.

(3) Section 6 of the said Act of 1958 (which provides for disregarding the amount of abnormal expenditure in determining the amount of any rate-deficiency grant) shall not affect the payment of rate-deficiency grants to a London borough council or the Common Council for the years 1965–66, 1966–67 and 1967–68.

## Equalisation of rates.

**66.**—(1) The Minister may, subject to and in accordance with the subsequent provisions of this section, make as respects the whole or any part or parts of Greater London a scheme or schemes for the purpose of reducing disparities in the rates levied in different rating areas of Greater London other than the Temples.

(2) Any such scheme shall take the form of provision for the making of contributions by rating authorities in Greater London elsewhere than the Temples to other such authorities, either directly, or through the Greater London Council, or by means of adjustments by the Greater London Council in the amounts for which they precept on those rating authorities respectively, or, in the case of rating authorities in the Inner London Education Area, by a re-allocation between those authorities of the aggregate amount payable to them by virtue of section 64 of this Act, or by a combination of any two or more of those methods.

(3) Rules made under section 9 of the Rating and Valuation Act 1925 and regulations made under section 15 of the Local Government Act 1948 may make the like provision for the purpose of schemes under this section as may be made by such rules or regulations for the purposes of the said section 9 or Part I of the said Act of 1948, as the case may be; and for the purposes of section 14 of the said Act of 1948 (which relates to investigations into the working of Part I of that Act) this section shall be deemed to be included in the said Part I and the expression "local authority" in the said section 14 shall include the Greater London Council.

(4) Any scheme under this section may, subject to the next following subsection, be revoked or varied by any subsequent scheme under this section.

(5) Before making a scheme under this section, the Minister shall consult with any association or committee which appears to him to be representative of the London borough councils and with the Common Council and the Greater London Council.

(6) In section 5 (6) of the Local Government Act 1958 (which, among other things, provides for disregarding payments under section 10 of the Local Government Act 1948 in determining the expenditure of an authority for the purpose of computing rate-deficiency grants) for the words "and, in the case of a local authority within the administrative county of London, no payments under section ten of the Act of 1948 were payable" there shall be substituted the words "were payable and, in the case of a local authority in Greater London, section 66 of the London Government Act 1963 had not been passed".

67.—(1) Where, in the case of any rating area to which this section applies, different parts of that area would, apart from this section, be chargeable with expenses incurred by different authorities or bodies in the discharge of the like functions, then, if the rating authority so resolve, the aggregate of those expenses shall be chargeable on the whole of that area or, if those parts do not together comprise the whole of that area, on so much of that area as consists of those parts.

Chargeability of part of rating area with expenses incurred for another part thereof.

(2) This section applies to any rating area in Greater London and to any other rating area which falls partly in—

- (a) the metropolitan police district; or
- (b) the sewerage area of the Greater London Council; or
- (c) some other area comprising the whole or part of Greater London prescribed for the purposes of this section by an order of the Minister.

**PART VIII**  
**Financial provisions applicable to the Common Council.**

**68.**—(1) The Common Council may levy a general rate for the purpose of defraying any expenses incurred by them under any enactment, being expenses which do not fall to be defrayed out of the poor rate.

(2) The Common Council may for the purposes of any enactment borrow money under the City of London Sewers Acts 1848 to 1897 in accordance with the provisions of those Acts or of any other Acts regulating the mode of borrowing money by the Council.

(3) In any enactment passed after 1st August 1958 and applying or subsequently applied to the Common Council any reference to the general rate fund of a local authority or any description of local authority shall, except where the context otherwise requires, be construed in relation to the Council as a reference to the general rate of the City.

(4) The foregoing provisions of this section apply to the Common Council as local authority, as police authority and as port health authority.

(5) In this section any reference to any enactment includes a reference to any instrument made under an enactment and any reference to any enactment or instrument includes a reference to any enactment or instrument contained in or made under this Act, or passed or made after this Act.

**Initial expenses of new authorities.**

**69.**—(1) As soon as may be after the first election of councillors of the Greater London Council or, as the case may be, of any London borough, each existing rating authority whose area, or part of whose area, falls within Greater London or, as the case may be, that London borough shall, in accordance with arrangements made by the Minister by regulations, cause the appropriate contribution to be paid into the general fund of the Greater London Council or, as the case may be, the general rate fund of that London borough.

(2) In the foregoing subsection, the expression “the appropriate contribution” in relation to any existing rating area or any part of such an area means an amount equal to the product of a rate of a penny in the pound levied in that rating area or, as the case may be, that part thereof for the year 1964-65, being—

- (a) in the case of the area of a county borough, that product ascertained in accordance with the rules for the time being in force under section 16 of the Local Government Act 1958 ;
- (b) in a case where that product has been estimated by the rating authority for the purposes of section 9 (2) (d) of the Rating and Valuation Act 1925, that product as so estimated ;
- (c) in any other case, that product estimated by the rating authority in like manner as it would fall to be estimated for the purposes of the said section 9 (2) (d).

(3) Any expenses incurred by any returning officer in relation to the holding of the first election of councillors of the Greater London Council or, as the case may be, of any London borough which, apart from this subsection, would under paragraph 19 of Schedule 3 to this Act fall to be paid by the Greater London Council or, as the case may be, the council of that London borough shall be paid by the existing rating authorities whose areas fall wholly or partly within Greater London or, as the case may be, that London borough, the amount payable by each of those authorities being an amount bearing the same proportion to the aggregate amount of those expenses as the appropriate contribution of that authority to the general fund of the Greater London Council or, as the case may be, the general rate fund of that London borough under the foregoing provisions of this section bears to the aggregate amount of the appropriate contributions so payable to the fund in question.

(4) The Greater London Council and the London borough councils may borrow for the purpose of meeting any expenditure incurred by them before 1st April 1965.

**70.**—(1) If the county of Essex, Hertfordshire, Kent or Surrey incurs an additional rate burden consequential on this Act which exceeds the estimated product of a rate of fivepence in the pound for the county for the year 1965-66, the Greater London Council shall pay as part of their expenditure for general London purposes to the council of that county as part of their receipts for general county purposes—

Transitional  
assistance  
to certain  
counties.

- (a) in the year 1965-66, an amount equal to that excess ;
- (b) in the year 1966-67, an amount equal to seven-eighths of that excess ;
- (c) in the year 1967-68, an amount equal to three-quarters of that excess ;
- (d) in the year 1968-69, an amount equal to five-eighths of that excess ;
- (e) in the year 1969-70, an amount equal to half that excess ;
- (f) in the year 1970-71, an amount equal to three-eighths of that excess ;
- (g) in the year 1971-72, an amount equal to a quarter of that excess ;
- (h) in the year 1972-73, an amount equal to one-eighth of that excess.

(2) The provisions of Schedule 16 to this Act shall have effect for the purpose of determining whether any, and if so what, additional rate burden consequential on this Act has been incurred by any of the counties aforesaid.

(3) Any payments made by the Greater London Council under this section shall be disregarded in ascertaining the expenditure of any county council for the purposes of section 5 of the Local Government Act 1958.

PART IX  
MISCELLANEOUS AND GENERAL

*Common services*

Research and information on matters concerning Greater London.

71.—(1) The Greater London Council shall establish an organisation for the purpose of conducting, or assisting in the conducting of, investigations into, and the collection of information relating to, any matters concerning Greater London or any part thereof and making, or assisting in the making of, arrangements whereby any such information and the results of any such investigation are made available to any authority concerned with local government in Greater London, any government department or the public; and without prejudice to the foregoing provisions of this subsection the Greater London Council shall be a local authority for the purposes of sections 134 and 135 of the Local Government Act 1948 (which relate respectively to information centres and to instruction and information on questions relating to local government).

(2) The appropriate Minister with respect to any matter may require the Greater London Council to provide him with any information with respect to that matter which is in the possession of, or available to, that Council, any London borough council or the Common Council in consequence of the exercise of any power conferred by or under any enactment; and where such a requirement is made in respect of any information which is so in the possession of, or available to, any London borough council or the Common Council but not the Greater London Council, the Greater London Council may require that borough council or, as the case may be, the Common Council to furnish the Greater London Council with that information.

Supply of goods to authorities in Greater London.

72.—(1) The Greater London Council may purchase and store and supply to any authority such as is mentioned in subsection (2) of this section any goods or materials required for the discharge of the functions of that authority, and that Council and any such authority may enter into and carry into effect agreements and do all such other acts as may be necessary or convenient for the purpose of any such purchase, storage or supply.

(2) The authorities referred to in the foregoing subsection are—

- (a) any of the following, and any joint committee appointed by any two or more of the following, that is to say, the London borough councils, the Common Council and, in relation to any functions exercisable by them which are exercisable elsewhere in Greater London by the said councils, the Sub-Treasurer of the Inner Temple and the Under-Treasurer of the Middle Temple;
- (b) any body of persons discharging functions relating to education or public health in Greater London and receiving financial aid in relation to those functions



from any of the councils aforesaid or from the Greater London Council or the Inner London Education Authority ;

- (c) any person or body of persons responsible for the management or government of any school or other educational institution in Greater London in the case of which the fees or expenses of any person receiving education, instruction or training thereat are wholly or partly defrayed by a local education authority in Greater London ;
- (d) any voluntary organisation with which a local authority in Greater London have made such arrangements as are referred to in section 26 of the National Assistance Act 1948 ;
- (e) any body of persons concerned with the promotion of the welfare of persons ordinarily resident in Greater London who are aged or to whom section 29 of the said Act of 1948 applies ;
- (f) any of the following bodies constituted under the National Health Service Act 1946, that is to say, any Regional Hospital Board or Executive Council constituted for an area which falls wholly or partly within Greater London, and any Hospital Management Committee appointed by, and the Board of Governors of any teaching hospital situated in the area of, any such Regional Hospital Board ;
- (g) the British Postgraduate Medical School.

73.—(1) Subject to subsection (2) of this section the Greater London Council may, for the purpose of giving publicity to the amenities and advantages of Greater London—

Publicity for amenities of Greater London.

- (a) enter into and carry into effect agreements for the purpose with any person approved by the Minister ;
- (b) make reasonable contributions towards the expenses incurred by any such person in giving effect to any such agreement ;
- (c) incur reasonable expenditure on the use of suitable media of advertising ;
- (d) incur reasonable expenditure on the establishment and maintenance of office accommodation for the dissemination of information relating to Greater London.

(2) Nothing in the foregoing subsection shall authorise the Greater London Council to give publicity in the United Kingdom, whether by advertising or otherwise, to the commercial and industrial advantages of Greater London ; and nothing in paragraph (c) or (d) of that subsection shall authorise the publication of any advertisement, or the establishment or maintenance

**PART IX** of office accommodation, by the Greater London Council themselves in any place outside the United Kingdom.

*Miscellaneous*

**Borough architects.**

**74.**—(1) Without prejudice to section 106 of the Local Government Act 1933, the officers of each London borough council and the Common Council shall as soon as reasonably practicable, and in any event not later than 1st April 1968, include an architect for the borough or, as the case may be, the City.

(2) The architect aforesaid shall be appointed from among fit persons by, and hold office during the pleasure of, the borough council or Common Council and shall perform such duties as that council may direct, and shall be paid such reasonable remuneration as that council may determine.

**Compensation for injury to or death of officers.**

**75.**—(1) Any of the following councils, that is to say, the Greater London Council, the London borough councils and the Common Council, may pay compensation—

- (a) to any of their officers who sustains an injury in the course of his employment ; or
- (b) to the widow or widower or child of any of their officers who, in the course of his employment, dies or sustains an injury resulting in death.

(2) Any compensation payable under this section may be paid either—

- (a) by way of a lump sum ; or
- (b) by way of periodical payments of such amounts and payable at such times and for such periods as the council in question may from time to time determine having regard to all the circumstances of the case.

(3) The payment of compensation under this section shall not affect any right or claim to damages or compensation which an officer of any of the councils aforesaid or his widow or widower or child may have against any person other than that council or, except so far as may be agreed when the compensation is granted, against that council.

**Adjustment to metropolitan police district.**

**76.**—(1) As from 1st April 1965, the metropolitan police district shall consist of the following areas, that is to say—

- (a) Greater London, excluding the City of London, the Inner Temple and the Middle Temple ;
- (b) in the county of Essex, the urban districts of Chigwell and Waltham Holy Cross ;
- (c) in the county of Hertfordshire, the urban districts of Bushey, Cheshunt and Potters Bar, the rural district of Elstree, and the parishes of Northaw in the rural district

of Hatfield and Aldenham in the rural district of Watford ; PART IX

- (d) in the county of Surrey, the borough of Epsom and Ewell, and the urban districts of Banstead, Esher, Staines and Sunbury-on-Thames,

and section 16 of, and Schedule 4 to, the Police Act 1946 shall cease to have effect.

(2) This section and the Metropolitan Police Acts 1829 to 1959 may be cited together as the Metropolitan Police Acts 1829 to 1963 and this section shall be construed as one with those Acts.

77.—(1) In the Local Government Superannuation Act 1937— Application of  
Local  
Government  
Superannua-  
tion Acts.

- (a) in section 1 (which relates to the local authorities who are required to maintain superannuation funds under Part I of that Act), in subsection (1)(a), for the words “metropolitan borough” there shall as from 1st April 1965 be substituted the words “London borough and the Greater London Council” ;

- (b) in section 40(1), in the definition of “local authority”, after the word “district” there shall be inserted the words “the council of a London borough, the Greater London Council” ;

- (c) in Part I of Schedule 1 (which relates to the local authorities whose whole-time officers are to be compulsorily superannuable), after the paragraph beginning “The council” there shall be inserted the following paragraphs—

“ The council of a London borough.  
The Greater London Council.”.

(2) For the purpose of the making before 1st April 1965 under section 2 of the said Act of 1937 of a combination scheme to come into force on or after that date, the Greater London Council or a London borough council shall be deemed to be an administering authority notwithstanding that they are not for the time being required to maintain a superannuation fund under Part I of that Act.

(3) Notwithstanding anything in section 4 of the said Act of 1937 (which relates to the funds to which contributions are payable), if in the case of any contributory employee or class of contributory employees of the Greater London Council or a London borough council it appears to the Minister expedient so to do, the Minister may by order, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, provide that for the purposes of that Act the appropriate superannuation fund in relation to that employee or class shall be such fund as may be specified in or determined under

**PART IX** the order; and any such order may make such incidental, consequential, transitional or supplementary provision as may appear to the Minister to be necessary or proper for the purposes or in consequence of the order and for giving full effect thereto.

**Coroners.**

**78.**—(1) Subject to the following provisions of this section, the enactments relating to coroners, and in particular the Coroners Act 1844 and the Coroners Acts 1887 to 1954, shall apply in relation to Greater London (exclusive of the City and the Temples) as if that area were a county and the Greater London Council were the council of that county, and references in those enactments to a county alderman or a county councillor shall be construed accordingly.

(2) In their application to the said area of Greater London, the said enactments shall have effect subject to the following modifications:—

- (a) the requirements as to residence contained in section 5 of the Coroners Act 1844 shall not apply;
- (b) any sum required by section 27 (2) of the Coroners Act 1887 to be paid out of the local rate and any salary or pension required by section 8 of the Coroners (Amendment) Act 1926 to be defrayed as expenses for special county purposes, shall in the first instance be defrayed by the Greater London Council and shall be charged on the London boroughs;
- (c) any provision of the said enactments defining a county shall not apply.

(3) The Greater London Council may provide and maintain proper accommodation for the holding of inquests.

(4) It shall be the duty of the Greater London Council as respects the area of Greater London mentioned in subsection (1) of this section, and of the council of each county adjoining Greater London as respects their county review area, to take into consideration the division of that area into coroners' districts and, unless they consider it inexpedient to do so, to exercise before the end of 1964 the power conferred on them by section 12 of the Coroners (Amendment) Act 1926 of submitting a draft order providing for the division, or alteration of any division, of that area into coroners' districts; and the Greater London Council shall not later than 1st April 1965 appoint a sufficient number of coroners for the said area of Greater London and section 2 of the said Act of 1926 shall apply to any such appointment as if a vacancy had occurred in the office of coroner for that area.

(5) This section, except so far as it relates to the appointment of coroners and to coroners' districts, shall not come into force

until 1st April 1965 ; and until that date the fact that any powers relating to the appointment of coroners and coroners' districts are exercisable by the Greater London Council shall not prevent the exercise of the like powers by the authorities by whom they were exercisable immediately before the passing of this Act.

PART IX

79. Subject to any order under section 84 of this Act, as respects any local land charge within the meaning of section 15 of the Land Charges Act 1925 which affects land situated in any London borough or in the City, the proper officer to act as local registrar under that section shall, as from 1st October 1964, be the clerk, or the person for the time being authorised to act as clerk, of the council of that London borough or, as the case may be, the town clerk, or the person for the time being authorised to act as town clerk, of the City.

Registration  
of local land  
charges.

80.—(1) Notwithstanding anything in section 120 of the Land Registration Act 1925, the registration of title to land shall continue at all times on and after 1st April 1965 to be compulsory on sale—

Compulsory  
registration of  
title in and  
around  
Greater  
London.

(a) in any part of Greater London in which immediately before that date such registration was so compulsory ; and

(b) in the areas comprised in the existing urban districts of Potters Bar, Staines and Sunbury-on-Thames.

(2) Her Majesty may by Order in Council declare as respects any other part of Greater London specified in the Order that registration of title to land is to be compulsory on sale on and after such date as may be so specified ; and nothing in section 122 of the said Act of 1925 shall apply to the making of an Order under this subsection.

(3) Nothing in any Order under subsection (2) of this section shall render compulsory the registration of the title to an incorporeal hereditament or to mines and minerals apart from the surface, or to corporeal hereditaments parcel of a manor and included in the sale of a manor as such.

(4) As soon as the registration of title to land has become compulsory on sale in the whole of Greater London as for the time being constituted at any time on or after 1st April 1965, any area which subsequently becomes part of Greater London shall be deemed to be included in an Order under subsection (2) of this section.

(5) The registration of title to land shall continue to be compulsory on sale in any area by virtue of subsection (1) (a), (2) or (4) of this section notwithstanding that the area in question ceases to be part of Greater London.

(6) Section 123 of the said Act of 1925 (which relates to the effect of that Act in areas where registration is compulsory)

## PART IX

shall have effect as if the provisions of subsection (1) of this section were contained in an Order in Council; and section 124 of that Act (which provides that Part XI of that Act shall bind the Crown) shall have effect as if this section were included in the said Part XI.

Charities  
in Greater  
London.

81.—(1) Where immediately before 1st April 1965 any property (not being property to which section 57 (2) of this Act applies) was held exclusively for charitable purposes by the London or Middlesex county council as sole trustee, that property shall on that date vest in the Greater London Council for the like purposes, so, however, that where that property was so held by the London county council for the purposes of a charity registered in the register established under section 4 of the Charities Act 1960 in any part of that register which is maintained by virtue of section 2 of that Act by the Minister of Education, the charity trustees on and after that date shall be the Inner London Education Authority.

(2) Where immediately before 1st April 1965 any property was held exclusively for charitable purposes as sole trustee by any existing council to whom section 3 (1) (b) of this Act applies other than the London or Middlesex county council, that property shall on that date vest for the like purposes in the council of the appropriate London borough, that is to say, the London borough whose area includes the whole or the greater part of the area of the existing council in question.

(3) Where immediately before 1st April 1965 any power with respect to any charity, not being a charity incorporated under the Companies Acts or by charter, was under the trusts of the charity or by virtue of section 37 (5) (c) of the said Act of 1960 vested in, or in the holder of any office connected with, any such existing council as aforesaid, that power shall at that date vest in, or in the holder of the corresponding office connected with, the council of the appropriate London borough aforesaid.

(4) Where under the trusts of any charity established for purposes which are by their nature or by the trusts of the charity directed wholly or mainly to the benefit of an area which falls wholly or mainly within Greater London, not being a charity incorporated as aforesaid, any power with respect to that charity was immediately before 1st April 1965 vested in, or in the holder of any office connected with, the London, Middlesex, Essex, Hertfordshire, Kent or Surrey county council, then, if the conditions specified in paragraph (a) or (b) of this subsection are satisfied, that power shall on that day vest in, or in the holder of the corresponding office connected with, the authority specified in that paragraph, that is to say—

(a) if that area falls wholly or mainly within a single London borough and, where that borough is an inner

## PART IX

London borough, the charity was immediately before that date registered in the register aforesaid in any part thereof which is maintained by the Charity Commissioners but not in any part thereof which is maintained as aforesaid by the Minister of Education, the council of that borough ;

(b) if the conditions specified in the foregoing paragraph are not satisfied but that area falls wholly or mainly within the Inner London Education Area, and subject to the next following subsection, the Inner London Education Authority.

(5) Where under subsection (4) (b) of this section any power vests or is to vest in, or in the holder of any office connected with, the Inner London Education Authority, that Authority or, as the case may be, the holder of that office may, with the consent of the Charity Commissioners and of the council or office-holder nominated, nominate for the purposes of this subsection the council of any inner London borough or, as the case may be, the holder of the corresponding office connected with any such council, and thereupon, or, if the nomination is made before 1st April 1965, on that date, that power shall vest in that council or, as the case may be, in the holder of that corresponding office.

(6) Where under the trusts of any charity, not being a charity incorporated as aforesaid, any power with respect to that charity was immediately before 1st April 1965 vested in, or in the holder of any office connected with, the London or Middlesex county council and neither paragraph (a) nor paragraph (b) of subsection (4) of this section applies, that power shall vest in, or in the holder of the corresponding office connected with, such of the following authorities, that is to say, the councils of the London boroughs, the Greater London Council and the Inner London Education Authority, as the charity trustees may not later than 1st April 1967 with the consent of that council or, as the case may be, of the holder of that corresponding office appoint or, in default of such appointment, as may be appointed by the Charity Commissioners or, in the case of an exempt charity, by the Minister.

(7) References in the foregoing provisions of this section to a power with respect to a charity shall not include references to any power of any person by virtue of being a charity trustee thereof ; but where under the trusts of any charity, not being a charity incorporated as aforesaid, the charity trustees immediately before 1st April 1965 included the holder of an office connected with any council to whom section 3 (1) (b) of this Act applies, then, as from that date, those trustees shall instead include the holder of such office connected with such of the following authorities, that is to say, the councils of the London

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boroughs, the Greater London Council and the Inner London Education Authority, as the Charity Commissioners may appoint.

(8) Nothing in the foregoing provisions of this section shall affect any power of Her Majesty, the court or any other person to alter the trusts of any charity.

(9) As from 1st April 1965—

- (a) sections 6, 10, 11 and 12 of the said Act of 1960 shall apply to the Greater London Council and to the Inner London Education Authority as if Greater London or, as the case may be, the Inner London Education Area were a county and that Council or, as the case may be, Authority were the council of that county and, for the purposes of subsection (4) of the said section 10, as if for the reference to any county district there were substituted a reference to any London borough ;
- (b) the said sections 10 and 11 shall apply to the City as if it were a London borough and the Common Council were the council of that borough ;
- (c) in Schedule 3 to that Act any reference to the county of London shall be construed as a reference to Greater London.

(10) In this section, the expressions “charitable purposes”, “charity”, “charity trustees”, “exempt charity”, “court” and “trusts” have the same meanings respectively as in the said Act of 1960.

*General*

Exercise  
of functions  
as respects  
the Temples.

82.—(1) Her Majesty may at any time, whether before or after 1st April 1965, by Order in Council coming into force not earlier than that date provide that any functions exercisable as respects a London borough by the council of that borough, not being functions for the exercise of which as respects the Temples specific provision is made elsewhere in this Act and, without prejudice to the foregoing provision, not being functions for which provision is made by Part V or VI of this Act, shall be exercisable—

- (a) as respects the Inner Temple by the Sub-Treasurer thereof and as respects the Middle Temple by the Under-Treasurer thereof ; or
- (b) as respects both the Temples by the Common Council.

(2) Any Order in Council under this section may make such incidental, consequential, transitional or supplementary provision as appears to Her Majesty to be necessary or proper for



the purposes or in consequence of any of the provisions of the Order, including provision—

PART IX

- (a) applying any enactment relating to the functions in question (including any enactment in this Act or in any other Act passed during the same session as this Act) to the Inner Temple or the Middle Temple ;
- (b) modifying any such enactment in its application thereto ;
- (c) excluding the application of any such enactment thereto ;
- (d) repealing any such enactment applying thereto.

(3) Any Order in Council under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) Any expenses incurred by the Sub-Treasurer of the Inner Temple or the Under-Treasurer of the Middle Temple under this Act or any enactment applied to the Temples by or under this Act may be defrayed out of a rate in the nature of a general rate levied in the Inner Temple or the Middle Temple, as the case may be.

**83.**—(1) As from 1st April 1965, the enactments specified in Schedule 17 to this Act shall have effect subject to the provisions of that Schedule, being provisions necessary or expedient in consequence of other provisions of this Act.

Other adaptations of enactments.

(2) Her Majesty may at any time, whether before or after 1st April 1965, in any case where it appears to Her appropriate in consequence of the provisions of this Act, by Order in Council coming into force not earlier than 1st April 1965 make such further modifications of any enactment contained in any other public general Act passed before 1st April 1965 (not being an Act passed with respect only to the whole or part of the existing county of London) as may appear to Her to be necessary to make that enactment apply—

- (a) in relation to Greater London or the Greater London Council as it applies in relation to, or to the council of, a county (or a particular county to which section 3 (1) (b) of this Act applies) ; or
- (b) in relation to a London borough or the council thereof or, as the case may be, in relation to the City or the Common Council, as it applies in relation to, or to the council of, a county borough (or a particular county borough to which the said section 3 (1) (b) applies) ; or
- (c) in relation to a London borough or the council thereof as it applies in relation to, or to the council of, a metropolitan borough (or a particular metropolitan borough),

or, in the case of an enactment conferring on the London county council power to appoint members of any body, to make

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that power exercisable by some body appearing to Her to be representative of all or any of the councils of the London boroughs and the Common Council or by the Inner London Education Authority; but no such Order shall be made unless a draft thereof has been laid before, and approved by a resolution of, each House of Parliament.

Supplementary  
and  
transitional  
provision.

**84.**—(1) The Minister or any appropriate Minister may at any time, whether before or after 1st April 1965, by order, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, make such incidental, consequential, transitional or supplementary provision as may appear to him—

- (a) to be necessary or proper for the general or any particular purposes of this Act or in consequence of any of the provisions thereof or for giving full effect thereto; or
- (b) to be necessary or proper in consequence of such of the provisions of any other Act passed in the same session as this Act as apply to Greater London or any authority therein or any other area or authority affected by Part I of this Act;

and nothing in any other provision of this Act shall be construed as prejudicing the generality of this subsection.

(2) Any such order may in particular include provision—

- (a) with respect to the transfer and management or custody of property (whether real or personal) and the transfer of rights and liabilities;
- (b) with respect to the membership of any body so far as that membership consists of persons elected by, or appointed by or on the nomination of—
  - (i) any council affected by Part I of this Act; or
  - (ii) any two or more bodies who include such a council;
- (c) for applying, amending or repealing or revoking, with or without savings, any Act passed or any instrument under an Act made before 1st April 1965;
- (d) for requiring the council of any London borough, with a view to securing that the introduction of a general rate of uniform amount per pound of rateable value throughout the borough is gradual, to make and levy during a limited period beginning on 1st April 1965 differential rates determined by reference to the circumstances of the existing rating areas and parts of such areas included in the borough;
- (e) for any of the matters specified in section 148(1)(a) to (h) and (2) of the Local Government Act 1933;

(f) for anything duly done before 1st April 1965 by any authority in the exercise of functions which on and after that date become functions of some other authority to be deemed as from that date to have been duly done by that other authority, and for any instrument made before that date, if or so far as it was made in the exercise of those functions, to continue in force on and after that date until varied or revoked in the exercise of those functions by that other authority.

(3) The provision which may be made by virtue of paragraph (e) of the last foregoing subsection shall include the making, in relation to any association mentioned in section 2 of the Auxiliary Forces Act 1953, of the like provision as may be made in relation to a public body under section 148(1)(a) to (h) of the Local Government Act 1933, including provision for continuing in existence any such association and the area for which it is established or authorising the establishment of any such association under the said Act of 1953 for the whole or any part of Greater London and in either case for the appointment of a president and vice-president of any such association.

(4) Notwithstanding anything in the foregoing provisions of this section, the Minister shall not make an order under this section (or this section as extended by section 87 of this Act) affecting any Act or instrument applying only to the City (with or without the Temples) or to things or persons connected therewith except after consultation with the Common Council.

(5) Section 151 of the said Act of 1933 (which relates to financial adjustments by agreement between public bodies affected by any alteration of areas or authorities made by an order under Part VI of that Act) shall apply for the purposes of this Act as if the reference to such an order included a reference to any provision of, or of any instrument made under, this Act.

(6) The provisions of Part I of this Act shall not affect the liability of any person whose name was immediately before 1st April 1965 included in a jurors book for any county or other area to serve on a jury for that area, and any such person (unless duly exempted or excused) shall, so long as the jurors book in which his name was then included remains in force for any area affected by the said Part I, continue to be liable to serve on a jury for that area.

85.—(1) Any order under section 6 or 84 of this Act may contain provisions as to the transfer of any person who is, on such date as may be specified in relation to him in the order, the holder of any place, situation or employment and who is affected by any provision of, or of any instrument made under, this Act, and shall contain provisions for the protection of the interests of such persons.

Transfer and  
compensation  
of officers.

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(2) In the case of any person who on 31st March 1965 is in the employment of one or more local authorities who are or include a council to whom section 3 (1) (b) of this Act applies, being employment which, or which in the aggregate, is whole-time employment, the Minister shall by order make such provision as is necessary to ensure that, to the extent, if any, to which, by reason only of the said section 3 (1) (b), that person would apart from the order cease on 1st April 1965 to be in employment which, or which in the aggregate, would be whole-time employment by one or more local authorities, that person is transferred on 1st April 1965 to the employment of such local authority as may be specified in or determined under the order.

(3) The provision required by subsection (1) or (2) of this section or by section 24(7) of this Act shall include such provision with respect to any person who is transferred under this Act (or, as the case may be, in pursuance of any agreement under the said section 24(7)) from the employment of one authority to that of another as to secure that—

(a) so long as he continues in the employment of that other authority by virtue of the transfer and until he is served with a statement in writing of new terms and conditions of employment, he enjoys terms and conditions of employment not less favourable than those he enjoyed immediately before the date of transfer ; and

(b) the said new terms and conditions are such that—

(i) so long as he is engaged in duties reasonably comparable to those in which he was engaged immediately before the date of transfer, the scale of his salary or remuneration, and

(ii) the other terms and conditions of his employment,

are not less favourable than those he enjoyed immediately before the date of transfer.

(4) The appropriate Minister shall by regulations make provision for the payment by such authority as may be prescribed by or determined under the regulations, but subject to such exceptions or conditions as may be so prescribed, of compensation to or in respect of persons who are, or who but for any such service by them as may be so prescribed would be, the holders of any such place, situation or employment as may be so prescribed and who suffer loss of employment or loss or diminution of emoluments which is attributable to any provision of this Act or of any instrument (including any agreement under section 24(7)) made under this Act ; and any such regulations—

(a) may include provision as to the manner in which and the person to whom any claim for compensation is to

be made, and for the determination of all questions arising under the regulations ; and

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(b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) The Minister, after consulting with such bodies representative of local authorities or of staff employed by local authorities as appear to him to be concerned and with any local authority with whom consultation appears to him to be desirable, shall not later than one month after the passing of this Act establish a staff commission for the purpose of—

- (a) considering and keeping under review the arrangements for the recruitment of staff by the Greater London Council and the London borough councils and for the transfer in consequence of the provisions of this Act or any instrument made thereunder of staff employed by other local authorities affected by Part I of this Act ;
- (b) considering such staffing problems arising in consequence of, and such other matters relating to staff employed by any body affected by, any provision of, or of any instrument made under, this Act as may be referred to the commission by the Minister ; and
- (c) advising the Minister on the steps necessary to safeguard the interests of such staff ;

and the Minister may give directions to the commission as to their procedure and to any local authority (including any existing local authority) in Greater London with respect to the furnishing of any information requested and the implementation of any advice given by the commission and with respect to the payment by such authorities of any expenses incurred in connection with the commission.

**86.**—(1) In the case of any London borough other than the borough numbered 29 in Part I of Schedule 1 to this Act, for the purpose of the consideration of the matters to be included in the borough's charter or incorporation order or to be dealt with under section 84, 85(5) or 87(2) of this Act, the councils of the existing boroughs, metropolitan boroughs or urban districts which, or parts of which, are to be included in that London borough, and the council of any existing county in which the whole or any part of the area of that London borough is situated, may, and within four weeks of being so required by the Minister shall, appoint such number of representatives respectively to a joint committee for the purpose as may be agreed between those councils, or, in default of such agreement, determined by the Minister.

Joint committees of existing councils for consideration of certain matters.

(2) For the purpose of the consideration of the matters in connection with the establishment of the Greater London Council

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to be dealt with under section 84, 85(5) or 87(2) of this Act the councils of the existing counties and county boroughs whose areas lie wholly or partly within Greater London may, and within four weeks of being so required by the Minister shall, appoint such number of representatives respectively to a joint committee for the purpose as may be agreed between those councils or, in default of such agreement, determined by the Minister.

(3) Any expenses incurred by any joint committee established under this section shall be defrayed by the councils represented thereon in such proportions respectively as may be agreed between them, or in default of such agreement, determined by the Minister.

Local Acts and instruments in and around Greater London.

87.—(1) Subject to the provisions of this Act and any Act passed after this Act and before 1st April 1965 and of any order under section 84 of this Act or this section, any local statutory provision to which this section applies and which is not continued in force by any other provision of this Act shall—

- (a) notwithstanding the changes of administrative areas and abolition of local authorities effected by Part I of this Act and, in the case of an instrument made under any enactment, notwithstanding the repeal of that enactment, continue to apply on and after that date to, but only to, the area, things or persons to which or to whom it applies before that date ;
- (b) have effect subject to any necessary modifications, including in particular—

(i) in the case of a Greater London statutory provision, the substitution for any reference to an existing county borough, metropolitan borough or county district situated wholly or partly within Greater London or the council thereof of a reference to so much of the London borough or boroughs as comprise that existing borough or district or any part thereof or, as the case may be, the council of that London borough or the councils of those London boroughs ;

(ii) in the case of an urban district statutory provision, the substitution for any reference to the county of Middlesex or the council thereof of a reference to the county in which the district in question is included by virtue of this Act or, as the case may be, the council of that county ;

but the continuation by this subsection of an instrument made under any enactment shall not be construed as prejudicing any power to vary or revoke the instrument which is exercisable apart from this subsection.

(2) An order made under section 84 of this Act by any Minister may—

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- (a) repeal or revoke any Greater London statutory provision which appears to that Minister to have become spent, obsolete or unnecessary or to have been substantially superseded by any enactment or instrument which applies or may be applied to the area, persons or things to which or to whom that provision applies ;
- (b) transfer to any authority appearing to that Minister to be appropriate any functions of an existing local authority under a Greater London statutory provision which are not to become functions of some other authority under any provision of this Act except section 84 and this section, or under any other instrument made under this Act, being functions exercisable by any existing local authority abolished by this Act or exercisable in, or with respect to things or persons connected with, the relevant area by any other existing local authority ;
- (c) without prejudice to the last foregoing paragraph, make such modifications of any Greater London statutory provision in its application to any part of the relevant area as appears to that Minister to be expedient ;
- (d) extend any such provision, with or without further modifications, to a part of the relevant area to which it did not previously extend.

(3) For the purpose of securing uniformity in the law applicable with respect to any matter in different parts of the relevant area, or in the relevant area or any part thereof and other parts of England and Wales, any appropriate Minister may, after consultation with such of the appropriate councils as appear to the Minister to be interested, by provisional order made after 1st April 1965 amend, repeal or revoke any Greater London statutory provision and extend it, with or without modifications, to a part of the relevant area to which it did not previously extend ; and any such order may include such incidental, consequential, transitional or supplementary provision as may appear to the Minister to be necessary or proper for the purposes of the order or in consequence of any provisions thereof.

The appropriate councils for the purposes of this subsection are—

- (a) in relation to sewerage and sewage disposal so far as they concern the sewerage area of the Greater London Council, the Common Council and the councils of the London boroughs and county districts wholly or partly within that area ;

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(b) in relation to land drainage, flood prevention and the like matters so far as they concern the London excluded area within the meaning of Schedule 14 to this Act, the Common Council and the councils of the London boroughs and county districts wholly or partly within that area ;

(c) in relation to any matters not falling within paragraphs (a) and (b) of this subsection, the Common Council and the councils of the London boroughs ;

and also, in relation to any matter with respect to which the Greater London Council have functions, that Council.

(4) Where any Greater London statutory provision is continued in force in any area by subsection (1) of this section or is amended or modified in its application, or extended, to any area by an order under section 84 of this Act or subsection (3) of this section, any appropriate Minister may by that order or, in the case of a provision continued as aforesaid, by an order under this subsection provide that that provision as so continued, amended, modified or extended shall have effect in that area to the exclusion of any enactment for corresponding purposes (including any enactment contained in or applied by this Act), or may make such modifications of any such enactment in its application to that area as will secure that the enactment will operate harmoniously with the said provision in that area.

(5) Any appropriate Minister may by order provide that any Greater London statutory provision continued in force by subsection (1) of this section, being a provision of an instrument made under an enactment, shall cease to have effect, either generally or as respects any area, persons or things specified in the order, at the end of a period so specified.

(6) Any order under subsection (4) or (5) of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) No order shall be made as respects any part of Greater London after the passing of this Act under section 303 of the Public Health Act 1875 or any other enactment which authorises the making in relation to any local statutory provision of provision corresponding to that which may be made in relation thereto by an order under section 84 of this Act or this section :

Provided that the foregoing provisions of this subsection shall not affect—

(a) any order made under any such enactment before the passing of this Act ; or



(b) the power of the Minister to make an order under section 82 of the Public Health Act 1961 with respect to any provision which appears to him to be inconsistent with, or unnecessary in consequence of, any provision of Part II of that Act as regards building regulations.

(8) This section applies to any local statutory provision in force immediately before 1st April 1965 and not expressly repealed or revoked by this Act, being a provision—

- (a) applying to any part of the relevant area or to things or persons connected with a part of the relevant area ; or
- (b) conferring on an existing local authority abolished by this Act functions the exercise of which is not restricted to a part of Greater London or to things or persons connected therewith ; or
- (c) applying to the urban district of Potters Bar, Staines or Sunbury-on-Thames or to things or persons connected with one of those districts.

(9) In this section—

“ the relevant area ” means Greater London except that—

(a) in relation to sewerage and sewage disposal, it includes so much of any county district as is in the sewerage area of the Greater London Council ;

(b) in relation to land drainage, flood prevention and the like matters, it includes so much of any county district as is in the London excluded area within the meaning of Schedule 14 to this Act ;

“ Greater London statutory provision ” means any statutory provision to which this section applies, being a provision mentioned in subsection (8)(a) or (b) of this section ;

“ local authority ” means the council of a county, county borough, metropolitan borough or county district or the Common Council or any joint committee, joint board, joint authority or other combined body all the members of which are representatives of any such council ;

“ urban district statutory provision ” means any statutory provision to which this section applies, being a provision mentioned in subsection (8)(c) of this section.

88.—(1) Any Minister may cause a local inquiry to be held for the purpose of any of his functions under this Act in any case where there is no duty and no power apart from this section to hold an inquiry. General provision as to inquiries.

**PART IX** (2) Section 290 (2) to (5) of the Local Government Act 1933 (which subsections relate to the giving of evidence at inquiries and the payment of costs) shall apply to any local inquiry caused to be held for the purposes of this Act by any Minister as if that Minister were a department for the purposes of that section, but shall not apply to any such inquiry so far as some other provision with respect to the subject-matter of those subsections is applicable to that inquiry by virtue of any other enactment.

**Interpretation.** 89.—(1) In this Act, except where the context otherwise requires, the following expressions have the following meanings respectively, that is to say—

“appropriate Minister”, in relation to the making of an order or regulation with respect to any matter, means the Minister in charge of any government department concerned with that matter; but the validity of any order or regulation purporting to be made by any Minister by virtue of a power conferred on the appropriate Minister by this Act shall not be affected by any question as to whether or not that Minister was the appropriate Minister for the purpose;

“the City” means the City of London;

“the Common Council” means the Common Council of the City of London;

“county” means an administrative county;

“county review area” in relation to the county of Essex, Hertfordshire, Kent or Surrey, means the area with respect to which, by virtue of section 3 (2) of this Act, a county review by the council of that county under section 28 of the Local Government Act 1958 may for the time being be made;

“existing” in relation to a local government area or authority, means that area or authority as it existed immediately before the passing of this Act;

“functions” includes powers and duties;

“Inner London Education Area” and “Inner London Education Authority” have the meanings respectively assigned to them by section 30 (1) of this Act;

“land” includes land covered by water and any interest or right in, to or over land;

“local statutory provision” means a provision of a local Act (including an Act confirming a provisional order) or a provision of a public general Act passed with respect only to the whole or part of the existing county of London or a provision of an instrument made under

## PART IX

any such local or public general Act or of an instrument in the nature of a local enactment made under any other Act ;

“ metropolitan road ” means a road for the time being designated by or under section 17 of this Act as a metropolitan road ;

“ Minister ” includes the Board of Trade ;

“ the Minister ” means the Minister of Housing and Local Government ;

“ Port of London ” means the port of that name established for the purposes of the enactments relating to customs or excise ;

“ relevant year of election ” means the first year of election occurring after the first Order in Council is made after the passing of this Act under the House of Commons (Redistribution of Seats) Act 1949 giving effect to a report of the Boundary Commission for England under that Act with respect to the parliamentary constituencies situated wholly or partly in Greater London ; and for the purposes of this definition “ year of election ” means the year 1967 or any third year thereafter ;

“ sewerage area of the Greater London Council ” has the meaning assigned to it by section 39 of this Act ;

“ the Temples ” means the Inner Temple and the Middle Temple.

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

(3) References in any other Act to any enactment modified by this Act shall, except when the context otherwise requires, be construed as a reference to that enactment as so modified.

90. Any power to make orders, rules or regulations conferred by this Act on any Minister shall be exercisable by statutory instrument, and any power to make an order under any provision of this Act shall include power to make an order varying or revoking any order previously made under that provision. Orders, rules and regulations.

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

(a) any expenses incurred by any Minister under this Act ;  
and

(b) any increase attributable to the provisions of this Act in the sums payable out of moneys so provided under any other enactment.

(2) Any sums received by any Minister under this Act shall be paid into the Exchequer.

**PART IX**  
**Amendment**  
**of House of**  
**Commons**  
**Disqualifi-**  
**cation**  
**Act 1957.**

**92.—(1)** The House of Commons Disqualification Act 1957 shall be amended in accordance with the following provisions of this section.

(2) In Part II of Schedule 1, in its application to the House of Commons of the Parliament of the United Kingdom, after the entry relating to the South of Scotland Electricity Board there shall be inserted the words “The Staff Commission established under section 85(5) of the London Government Act 1963”.

(3) In Part III of Schedule 1, both in its application to the House of Commons of the Parliament of the United Kingdom and in its application to the Senate and House of Commons of Northern Ireland, in the entry relating to local government officers—

- (a) after the words “England and Wales” where they first occur there shall be inserted the words “of the Greater London Council”;
- (b) the words “of a metropolitan borough” shall cease to have effect; and
- (c) the words “outside London” shall cease to have effect:

Provided that the repeal made by paragraph (b) of this subsection shall not take effect until 1st April 1965.

**Repeals and**  
**savings.**

**93.—(1)** In addition to the repeals by virtue of paragraph 70 of Schedule 6 to this Act, the enactments specified in Schedule 18 to this Act are hereby repealed to the extent mentioned in the third column of that Schedule—

- (a) in the case of the enactments specified in Part I of that Schedule, as from the passing of this Act;
- (b) in the case of the enactments specified in Part II of that Schedule, as from 1st April 1965:

Provided that the repeal of any enactment specified in the said Part I shall not affect the operation of that enactment in relation to an election held on or after the date of the passing of this Act to fill a casual vacancy occurring before that date.

(2) Without prejudice to section 38(1) of the Interpretation Act 1889, where this Act repeals any enactment making provision with respect to a particular matter or particular matters and either makes, or applies some other enactment making, corresponding or different provision with respect to that matter or those matters, then, unless the contrary intention appears and, in particular, subject to any order under section 82, 83, 84, 85 or 87 of this Act, references in any enactment other than this Act, or in any instrument made under any enactment other than this Act, to the repealed enactment shall be construed

as references to the enactment contained in or applied by this Act which makes the corresponding or different provision.

PART IX

(3) Nothing in this Act shall affect the boundary of the area for the supply of electricity or gas of any Area Board within the meaning of the Electricity Act 1947 or the Gas Act 1948.

(4) Nothing contained in, or done by virtue of, any provision of this Act other than section 84(2)(b) or paragraph 35 of Schedule 4 shall affect the functions of the conservators of any common.

(5) Any enabling provision contained in this Act shall be deemed to be in addition to, and not in derogation of, any powers exercisable by Her Majesty by virtue of Her Royal prerogative.

**94.**—(1) This Act may be cited as the London Government Act 1963.

Short title,  
commence-  
ment and  
extent.

(2) The following provisions of this Act shall not come into force until 1st April 1965, that is to say, Parts II, III, and V to VIII other than sections 17(6), 48(2), 62(4), 66, 69, and 70.

(3) Except for section 4(4) and section 92 of this Act and the repeals made by this Act in the House of Commons Disqualification Act 1957, the provisions of this Act other than this subsection shall not extend to Scotland; and as from 1st April 1965 in paragraph 8 of Schedule 6 to the Valuation and Rating (Scotland) Act 1956 for the words "the Administrative County of London" there shall be substituted the words "Greater London other than the outer London boroughs".

(4) Except for the said section 92 and the said repeals, the provisions of this Act other than this subsection shall not extend to Northern Ireland.

## SCHEDULES

Section 1

## SCHEDULE 1

## THE LONDON BOROUGHS

## PART I

*Areas etc. of the London boroughs*

| 1<br>Reference<br>number of<br>London<br>borough | 2<br>Area by reference to existing<br>administrative areas                                                                                                                       | 3<br>Initial<br>number of<br>councillors<br>on Greater<br>London<br>Council |
|--------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1                                                | The metropolitan boroughs of Westminster, Paddington and St. Marylebone.                                                                                                         | 4                                                                           |
| 2                                                | The metropolitan boroughs of Hampstead, Holborn and St. Pancras.                                                                                                                 | 3                                                                           |
| 3                                                | The metropolitan boroughs of Finsbury and Islington.                                                                                                                             | 3                                                                           |
| 4                                                | The metropolitan boroughs of Hackney, Shore-ditch and Stoke Newington.                                                                                                           | 3                                                                           |
| 5                                                | The metropolitan boroughs of Bethnal Green, Poplar and Stepney.                                                                                                                  | 2                                                                           |
| 6                                                | The metropolitan borough of Greenwich and so much of the metropolitan borough of Woolwich as lies south of the boundary referred to in paragraph 1 of Part II of this Schedule.  | 3                                                                           |
| 7                                                | The metropolitan boroughs of Deptford and Lewisham.                                                                                                                              | 4                                                                           |
| 8                                                | The metropolitan boroughs of Bermondsey, Camberwell and Southwark.                                                                                                               | 4                                                                           |
| 9                                                | The metropolitan borough of Lambeth and so much of the metropolitan borough of Wandsworth as lies east of the boundary referred to in paragraph 2 of Part II of this Schedule.   | 4                                                                           |
| 10                                               | The metropolitan borough of Battersea and so much of the metropolitan borough of Wandsworth as lies west of the boundary referred to in paragraph 2 of Part II of this Schedule. | 4                                                                           |
| 11                                               | The metropolitan boroughs of Fulham and Hammersmith.                                                                                                                             | 3                                                                           |
| 12                                               | The metropolitan boroughs of Chelsea and Kensington.                                                                                                                             | 3                                                                           |

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| 1<br>Reference<br>number of<br>London<br>borough | 2<br>Area by reference to existing<br>administrative areas                                                                                                                                                                                                                                                        | 3<br>Initial<br>number of<br>councillors<br>on Greater<br>London<br>Council |
|--------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 13                                               | The boroughs of Chingford, Leyton and Walthamstow.                                                                                                                                                                                                                                                                | 3                                                                           |
| 14                                               | The borough of Ilford, the borough of Wanstead and Woodford, so much of the borough of Dagenham as lies north of the boundary referred to in paragraph 3 of Part II of this Schedule, and so much of the urban district of Chigwell as lies south of the boundary referred to in paragraph 4 of the said Part II. | 3                                                                           |
| 15                                               | The borough of Romford and the urban district of Hornchurch.                                                                                                                                                                                                                                                      | 3                                                                           |
| 16                                               | So much of the borough of Barking as lies east of the boundary referred to in paragraph 5 of Part II of this Schedule, and so much of the borough of Dagenham as lies south of the boundary referred to in paragraph 3 of the said Part II.                                                                       | 2                                                                           |
| 17                                               | The county boroughs of East Ham and West Ham, so much of the borough of Barking as lies west of the boundary referred to in paragraph 5 of Part II of this Schedule and so much of the metropolitan borough of Woolwich as lies north of the boundary referred to in paragraph 1 of the said Part II.             | 3                                                                           |
| 18                                               | The boroughs of Bexley and Erith, the urban district of Crayford, and so much of the urban district of Chislehurst and Sidcup as lies north of the boundary referred to in paragraph 6 of Part II of this Schedule.                                                                                               | 3                                                                           |
| 19                                               | The boroughs of Beckenham and Bromley, the urban districts of Orpington and Penge, and so much of the urban district of Chislehurst and Sidcup as lies south of the boundary referred to in paragraph 6 of Part II of this Schedule.                                                                              | 4                                                                           |
| 20                                               | The county borough of Croydon and the urban district of Coulsdon and Purley.                                                                                                                                                                                                                                      | 4                                                                           |
| 21                                               | The borough of Beddington and Wallington, the borough of Sutton and Cheam and the urban district of Carshalton.                                                                                                                                                                                                   | 2                                                                           |
| 22                                               | The boroughs of Mitcham and Wimbledon and the urban district of Merton and Morden.                                                                                                                                                                                                                                | 2                                                                           |

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| 1<br>Reference<br>number of<br>London<br>borough | 2<br>Area by reference to existing<br>administrative areas                                                                                                         | 3<br>Initial<br>number of<br>councillors<br>on Greater<br>London<br>Council |
|--------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 23                                               | The borough of Kingston-upon-Thames, the borough of Malden and Coombe and the borough of Surbiton.                                                                 | 2                                                                           |
| 24                                               | The boroughs of Barnes, Richmond and Twickenham.                                                                                                                   | 2                                                                           |
| 25                                               | The borough of Brentford and Chiswick, the borough of Heston and Isleworth, and the urban district of Feltham.                                                     | 3                                                                           |
| 26                                               | The borough of Uxbridge, the urban district of Hayes and Harlington, the urban district of Ruislip-Northwood, and the urban district of Yiewsley and West Drayton. | 3                                                                           |
| 27                                               | The boroughs of Acton, Ealing and Southall ...                                                                                                                     | 4                                                                           |
| 28                                               | The boroughs of Wembley and Willesden ...                                                                                                                          | 4                                                                           |
| 29                                               | The borough of Harrow ... ..                                                                                                                                       | 3                                                                           |
| 30                                               | The boroughs of Finchley and Hendon, and the urban districts of Barnet, East Barnet and Friern Barnet.                                                             | 4                                                                           |
| 31                                               | The boroughs of Hornsey, Tottenham and Wood Green.                                                                                                                 | 3                                                                           |
| 32                                               | The boroughs of Edmonton, Enfield and Southgate.                                                                                                                   | 3                                                                           |

## PART II

*Definition of certain boundaries*

1. The boundary between the London boroughs numbered 6 and 17 respectively in Part I of this Schedule in the existing metropolitan borough of Woolwich shall be the line for the time being of the centre of the navigable channel of the River Thames at low water.

2. The boundary between the London boroughs numbered 9 and 10 respectively in the said Part I in the existing metropolitan borough of Wandsworth shall be such as the Minister may by order determine on or near the general line of Hazelbourne Road, Cavendish Road, the railway between Balham and Streatham



Common stations and the railway between Streatham and Mitcham Junction stations.

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3. The boundary between the London boroughs numbered 14 and 16 respectively in the said Part I in the existing borough of Dagenham shall be such as the Minister may by order determine on or near the general line of Billet Road.

4. The boundary of the London borough numbered 14 in the said Part I in the existing urban district of Chigwell shall be a line beginning where the eastern boundary of the railway from Ilford to Woodford crosses the existing urban district boundary and running northwards along that eastern boundary to the southern edge of the footway on the south side of Manor Road, thence north-eastwards along that southern edge to the eastern boundary of No. 251 Manor Road, thence south-eastwards along that eastern boundary and in a straight line in continuation thereof to the northern boundary of the London county council's Hainault estate, thence north-eastwards along that northern boundary to the western edge of the footway on the western side of Romford Road, and thence south-eastwards along that western edge to the point where it crosses the existing urban district boundary.

5. The boundary between the London boroughs numbered 16 and 17 respectively in the said Part I in the existing borough of Barking shall be such as the Minister may by order determine on or near the general line of the River Roding and Barking Creek.

6. The boundary between the London boroughs numbered 18 and 19 respectively in the said Part I in the existing urban district of Chislehurst and Sidcup shall be such as the Minister may by order determine on or near the general line of route A.20.

### PART III

#### *Division of borough into wards, etc.*

1. If at any time the Secretary of State is satisfied as respects any London borough, whether on representations made to him by the council of the borough or otherwise, that there are sufficient grounds for considering an alteration of—

- (a) the number of the wards of the borough ; or
- (b) the boundaries of any of those wards ; or
- (c) the number of councillors of the borough ; or
- (d) the apportionment of those councillors among those wards ; or
- (e) the name of any ward,

he shall cause such notices to be given concerning the matter as he may think expedient.

2. The Secretary of State after considering any representations made in consequence of any notice given under the foregoing paragraph—

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- (a) if he considers that no inquiry is necessary and is satisfied that an alteration with respect to the matter to which the notice related is desirable, may make provision accordingly by order ;
- (b) in any other case, shall appoint a commissioner to hold a local inquiry and to report to the Secretary of State what alterations, if any, such as are mentioned in that paragraph the commissioner recommends should be made with respect to the borough in question.

3. Upon receiving any report by a commissioner appointed under the last foregoing paragraph, the Secretary of State may ask that commissioner for a further report on any matter raised at the inquiry held by him but not dealt with in his report.

4. The commissioner shall cause a copy of any report by him under either of the two last foregoing paragraphs to be sent to the town clerk of the London borough concerned and to any other person who appeared before the commissioner.

5. The Secretary of State may by order give effect to the recommendations of any such commissioner either with or without modifications or may decide that no alteration such as is mentioned in paragraph 1 of this Part of this Schedule shall for the time being be made.

6. Any order made under paragraph 2 (a) or 5 of this Part of this Schedule may contain such incidental, consequential, supplementary or transitional provision as appears to the Secretary of State to be necessary or expedient, including the revocation or amendment of any provision of a London borough's charter or incorporation order which relates to the same matter as the Secretary of State's order.

7. In considering the boundaries of the wards in a London borough, the Secretary of State and any commissioner appointed under this Part of this Schedule shall—

- (a) so far as reasonably practicable, and taking into account any change in the number or distribution of inhabitants of the borough likely to take place within the period of five years immediately following the consideration, ensure that the ratio of the number of local government electors to the number of councillors to be elected is as nearly as may be the same in every ward ; and
- (b) have regard—
  - (i) to the desirability of fixing boundaries which are and will remain easily identifiable ; and
  - (ii) to any local ties which have been or would be broken by the fixing of any particular boundary.

8. Any expenses incurred by the Secretary of State under this Part of this Schedule in relation to any London borough, excluding (without prejudice to section 88 of this Act) the costs of any local inquiry caused to be held by him, shall, if and to such extent as the Secretary of State so requires, be repaid to him by the council of that borough.

## SCHEDULE 2

## Section 2.

## CONSTITUTION AND GENERAL FUNCTIONS OF GREATER LONDON COUNCIL

*Chairman, vice-chairman, deputy chairman and aldermen*

1.—(1) Subject to sub-paragraph (2) of this paragraph, sections 3 to 7 of the Local Government Act 1933 and section 14 of the Local Government (Miscellaneous Provisions) Act 1953 shall apply in relation to the chairman, vice-chairman and aldermen of the Greater London Council (hereafter in this Schedule referred to as “the Council”) as if in those sections—

- (a) for any reference to a county council there were substituted a reference to the Council ;
- (b) for any reference to county aldermen or county councillors there were substituted references to aldermen or councillors, as the case may be, of the Council ;
- (c) for any reference to the provisions of that Act relating to the retirement of county councillors there were substituted a reference to the provisions of this Schedule relating to the retirement of councillors of the Council.

(2) In their application to the Council, the said provisions of the said Act of 1933 shall have effect subject to the following modifications, that is to say—

- (a) section 3 (5) and section 5 (3) from “except” onwards shall be omitted ;
- (b) section 6 (2) shall have effect as if for the words “one-third” and “three” wherever those words occur there were substituted respectively the words “one-sixth” and “six” ;
- (c) the reference in section 6 (4) to those who have been aldermen for the longest time without re-election shall in relation to the year 1967 be construed as a reference to those of the first aldermen of the Council who were elected by the smallest number of votes ; and if it is necessary to decide between two or more of those aldermen who received an equal number of votes, the choice shall be made by drawing lots at, and under the direction of the person presiding at, the annual meeting of the Council for 1964.

(3) The Council may appoint a member thereof to be deputy chairman thereof, and section 5 (2) and (3) of the said Act of 1933 shall apply in relation to the deputy chairman as they apply in relation to the vice-chairman of the Council.

*Councillors*

2. Councillors of the Council shall be elected by the local government electors for Greater London in manner provided by this Act and Part I of the Representation of the People Act 1949.

3.—(1) The term of office of councillors of the Council shall be three years, and they shall retire together in the year 1967 and each third year thereafter.

(2) The day on which councillors of the Council retire as aforesaid shall be—

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- (a) in any year before the relevant year of election, the fourth day after the day of election ;
- (b) in the relevant year of election and any subsequent year, the ordinary day of retirement of borough councillors in England and Wales ;

and the newly elected councillors of the Council shall come into office on the day on which their predecessors retire.

4. For the purposes of any election of councillors of the Council before the ordinary election in the relevant year of election, each of the London boroughs other than the borough numbered 1 in Part I of Schedule 1 to this Act (hereafter in this Schedule referred to as "borough 1") shall form an electoral area returning the aggregate number of councillors specified in relation to that borough in column 3 of the said Part I, and borough 1 together with the City and the Temples shall form an electoral area returning the aggregate number of councillors specified in relation to borough 1 in the said column 3.

5. For the purposes of the ordinary election of councillors of the Council in the relevant year of election and any subsequent election of such councillors, each London borough other than borough 1, and borough 1 together with the City and the Temples, shall be divided into such electoral areas each returning one councillor as the Secretary of State, after causing such notices to be given concerning the matter as he thinks expedient, may direct by order (being, except in the case of a borough or other area falling within paragraph 7(1)(b) of this Schedule, an order by virtue of paragraph 8(1) of this Schedule); and there shall be a separate election of a councillor for each of those areas.

6. If at any time the Secretary of State is satisfied, whether on representations made to him by the council of a London borough, or by the Greater London Council, or, in relation to borough 1, by the Common Council, or otherwise, that there are sufficient grounds for considering an alteration—

- (a) in the number of councillors of the Greater London Council to be elected for any such borough, or, in the case of borough 1, for that borough together with the City and the Temples ; or
- (b) in the boundaries within any such boroughs of any of the electoral areas into which the borough is for the time being divided for the purpose of the election of those councillors ; or
- (c) of the name of any of those electoral areas,

he may, after causing such notice to be given concerning the matter as he thinks expedient, by order (being, except in the case of a borough or other area falling within paragraph 7(1)(b) of this Schedule, an order by virtue of paragraph 8(1) of this Schedule) make any such alteration as aforesaid.

7.—(1) In considering for the purposes of paragraphs 5 and 6 of this Schedule the boundaries of any electoral area or the number of councillors of the Council to be elected for any borough or other

area, the Secretary of State and, so far as those matters fall to be considered by him, any commissioner appointed by virtue of paragraph 8 of this Schedule—

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- (a) shall ensure that the whole of the City and the Temples is included with part of borough 1 in the same electoral area and that each other electoral area lies wholly within a single London borough ;
- (b) shall ensure that where a London borough does not include any part of a parliamentary constituency of which part is included in some other London borough, county borough or county district, each parliamentary constituency within the borough shall be an electoral area ; and
- (c) in any case not falling within paragraph (b) of this sub-paragraph shall, subject to paragraph (a) thereof, ensure, so far as reasonably practicable and taking into account any change in the number or distribution of the inhabitants of Greater London likely to take place within the period of five years immediately following the consideration—

(i) that the number of local government electors in any one electoral area in the borough is as nearly as may be the same as the number of such electors in the other electoral areas in the borough and, so far as the operation of the other provisions of this paragraph permits, the same as the average number of such electors in each electoral area of Greater London ; and

(ii) subject to sub-paragraph (i) of this paragraph, that each electoral area in the borough consists of two or more complete wards of the borough ;

and shall have regard to the desirability of fixing boundaries which are easily identifiable and to any local ties which have been or would be broken by the fixing of any particular boundary.

(2) For the purposes of sub-paragraph (1) (b) and (c) of this paragraph, the City and the Temples shall be deemed to form part of borough 1, and to constitute a complete ward of that borough.

(3) For the purposes of sub-paragraph (1) (c) of this paragraph, the average number of local government electors in each electoral area in Greater London on any date shall be taken to be a number obtained by dividing the aggregate number of local government electors registered on that date in the several registers of local government electors for Greater London by the number of electoral areas in Greater London existing on that date.

8.—(1) Paragraphs 2 to 5 of Part III of Schedule 1 to this Act shall apply in relation to a notice given under paragraph 5 or 6 of this Schedule (other than a notice relating only to a borough or other area falling within paragraph 7 (1) (b) of this Schedule) as they apply in relation to a notice under paragraph 1 of the said Part III, and accordingly—

- (a) any reference in the said paragraphs 2 to 5 to the said paragraph 1 shall include a reference to paragraph 5 or, as the case may be, 6 of this Schedule (except so far as

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that paragraph relates to any such borough or other area as aforesaid); and

- (b) the reference in paragraph 4 of the said Part III to the town clerk of the borough concerned shall include a reference to the clerk to the Greater London Council.

(2) Any order made under paragraph 5 or 6 or by virtue of paragraph 8(1) of this Schedule may contain such incidental, consequential, supplementary or transitional provision as appears to the Secretary of State to be necessary or expedient.

(3) Any expenses incurred by the Secretary of State by virtue of paragraphs 5 to 8 of this Schedule, excluding (without prejudice to section 88 of this Act) the costs of any local inquiry caused to be held by him, shall, if and to such extent as the Secretary of State so requires, be repaid to him by the Council.

9. Except in the exercise of a casting vote when presiding over a meeting of the Council or a committee thereof—

(a) a councillor of the Council elected for an electoral area which includes the City and the Temples shall not vote at any such meeting on any matter involving only expenditure on account of which no part of the City, the Temples or borough 1 is for the time being liable to be charged; and

(b) a councillor of the Council elected for any other electoral area shall not vote at any such meeting on any matter involving only expenditure on account of which the London borough in which that electoral area is situated is not for the time being liable to be charged.

*Supplementary provisions as to the Council*

10. The Council shall be a local authority within the meaning of the Local Government Act 1933.

11.—(1) In their application to the Council by virtue of the last foregoing paragraph, the provisions of Part II of, and Schedule 3 to, the said Act of 1933 (which contain general provisions as to members and meetings of local authorities and elections) shall apply in like manner as if Greater London were a county and the Council were the council of that county and as if in those provisions—

(a) any reference to a county alderman or county councillor included a reference to an alderman or, as the case may be, councillor of the Council;

(b) any reference to election under that Act included a reference to election under this Act;

(c) for the references in sections 67 (2) and 72 (1) of that Act to the county returning officer there were substituted references to the clerk to the Council.

(2) In its application to the Council, the said Schedule 3 shall have effect subject to the following modifications, that is to say—

(a) in any year (including 1964) which is a year of election of councillors of the Council, the annual meeting of the

Council shall be held on the eighteenth day after the day of election or on such other day within the seven days immediately following that eighteenth day as the Council may fix ;

- (b) in paragraph 2 (2) of Part I, for any reference to five members there shall be substituted a reference to twenty members ;
- (c) notwithstanding anything in paragraph 2 (3) (b) of Part I, if a member of the Council gives notice in writing to the clerk to the Council that he desires summonses to attend meetings of the Council to be sent to him at some address specified in the notice other than his place of residence, any summons addressed to him and delivered at or sent by post to the address so specified shall be deemed sufficient service of the summons ;
- (d) paragraph 3 (2) of Part I shall have effect as if after the word "vice-chairman" there were inserted the words "or, in his absence, the deputy chairman (if any)"; and in paragraph 3 (3) of Part I the reference to the vice-chairman shall be construed as a reference to both the vice-chairman and the deputy chairman, if any ;
- (e) notwithstanding anything in paragraph 3 of Part V or in any other enactment or rule of law to the contrary, the minutes of the proceedings of meetings of the Council or any committee thereof may be recorded on loose leaves consecutively numbered, the minutes of the proceedings of any meeting being signed, and each leaf comprising those minutes being initialled, at the same or the next ensuing meeting of the Council or, as the case may be, at the same or any subsequent meeting of the committee by the person presiding thereat ; and any minutes purporting to be so signed shall be received in evidence without further proof.

(3) Without prejudice to their powers by virtue of paragraph 10 of this Schedule under section 85 of the said Act of 1933, the Council may delegate to the Inner London Education Authority, or to any education committee established by that Authority under Part II of Schedule 1 to the Education Act 1944, any functions which they might delegate under subsection (1) of the said section 85 to a committee appointed by the Council under that subsection.

#### *Officers and records, etc., of the Council*

12.—(1) The Council shall appoint from among fit persons a clerk and a treasurer to the Council and such other officers as the Council think necessary for the efficient discharge of the Council's functions and shall pay to any person so appointed such reasonable remuneration as the Council may determine ; and, subject to section 121 of the Local Government Act 1933, any such person shall hold office during the pleasure of the Council.

(2) The offices of clerk and treasurer respectively to the Council shall not be held by the same person or by persons who stand in relation to one another as partners or as employer and employee.

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(3) Any vacancy in the office of treasurer to the Council shall be filled within four months after its occurrence.

(4) Section 115 of the said Act of 1933 (which relates to the appointment of standing deputies for officers) shall have effect in relation to the clerk and the treasurer to the Council as if this paragraph were included in Part IV of that Act; and section 120 of that Act (which relates to the accountability of officers of local authorities) shall have effect as if the reference to the treasurer of a county included a reference to the treasurer to the Council.

(5) Any person serving under the Council shall be an agent within the meaning of the Prevention of Corruption Act 1906.

13. All records and documents relating to the business of the Council shall, subject to any directions which the Council may give, be in the charge and custody of the clerk to the Council who, subject to any such directions, shall be responsible therefor.

*Additional powers of Council with respect to land etc.*

14. The purposes for which, by virtue of paragraph 10 of this Schedule, the Council is empowered by section 157 (1) of the Local Government Act 1933 to acquire land by agreement shall include the benefit, improvement or development of Greater London; but the Council shall not have power by virtue of this paragraph to acquire land outside Greater London except with the consent of the Minister.

15. The Council may be authorised to purchase compulsorily any land, whether situated within or outside Greater London, for the purpose of any of their functions, and the said Act of 1933 shall have effect as if the power conferred by this paragraph had been conferred by that Act.

16. The Council may—

- (a) acquire by agreement any building or place of historical or architectural interest;
- (b) undertake, or contribute towards, the cost of preserving, maintaining and managing any such building or place as aforesaid;
- (c) acquire by agreement any work of art;
- (d) agree with any person for the production by that person of a work of art for acquisition by the Council;
- (e) erect and maintain, or contribute towards the provision, erection and maintenance of, any work of art in any place within Greater London.

17.—(1) For the purpose of providing for the accommodation, exhibition and preservation of works of art or objects of historical, antiquarian or other public interest which may for the time being be in the possession of the Council by virtue of any gift, loan or discovery, the Council may adapt, furnish and maintain any premises given to, and for the time being vested in, the Council for the purposes of this sub-paragraph.

(2) The Council may let any building vested in the Council for the purposes of the foregoing sub-paragraph on such terms and



conditions as to payment or otherwise as the Council think fit, and may make charges for admission to any such building which may for the time being be under the management and control of the Council.

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18. The Council may in the case of any building in Greater London—

- (a) cause investigations to be made, and information to be published, with respect to the history of the building ;
- (b) provide for the giving of advice as to whether or not the building should be preserved and, if so, as to the method of preserving it.

*Expenses and receipts*

19.—(1) All receipts of the Council, whether for general or special London purposes, shall be carried to a general fund, and all liabilities falling to be discharged by the Council, whether for general or special London purposes, shall be discharged out of that fund ; and in the application of any other Act to the Council, any reference in that Act to the general rate fund or to the county fund shall be construed in relation to the Council as a reference to their general fund.

(2) In this Schedule and, except where the context otherwise requires, and subject to section 36 (2) of this Act, in any other enactment relating to the expenses of the Council—

- (a) the expression “general London purposes” means all purposes for expenditure on which the whole of Greater London is chargeable ;
- (b) the expression “special London purpose” means any purpose for expenditure on which part only of Greater London is chargeable.

20. Separate accounts shall be kept of receipts carried to, and payments out of, the Council’s general fund—

- (a) for general London purposes ;
- (b) for each special London purpose, so, however, that one separate account may be kept as respects any two or more special London purposes in the case of which the area chargeable is the same ;

and the account for general London purposes shall be called the general London account and an account for any special London purpose shall be called a special London account.

21. All expenses incurred by the Council under any enactment shall, unless the enactment otherwise provides, be deemed to be expenses for general London purposes ; and in determining the amount of expenses for any particular London purpose, whether general or special, a proper proportion of the cost of the officers and buildings and establishment of the Council may be added to the expenses directly incurred for that purpose.

22. The Council shall have power to issue precepts for the levying of rates to meet all liabilities falling to be discharged by the Council for which provision is not otherwise made ; and any such precept

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SCH. 2 may include as separate items contributions for general and special London purposes respectively and shall be so issued as to secure that the rate is levied—

- (a) in the case of a rate to meet liabilities in respect of expenditure for general London purposes, on the whole of Greater London ; and
- (b) in the case of a rate to meet liabilities in respect of expenditure for a special London purpose, on the area chargeable therewith.

23. The accounts of the Council shall be included among the accounts which are subject to audit by a district auditor under Part X of the Local Government Act 1933.

24. The Council may determine that any expenses incurred by the Council in promoting or opposing any Bill under Part XIII of the Local Government Act 1933 shall be treated as expenses incurred for special London purposes.

*Capital expenditure, loans and borrowing by the Council*

25. The expenditure by the Council on capital account or on lending to other persons shall be regulated by annual money Acts, the Bills for which shall be promoted by the Council and each of which shall make provision for a financial period consisting of a financial year (that is to say, a period of twelve months ending on the thirty-first day of March) and the immediately following six months.

26.—(1) During any such financial period as aforesaid, the Council may expend on capital account for such purposes as may be mentioned in the relevant annual money Act such sums as the Council think fit not exceeding the amounts specified in that Act in relation to those purposes for the first twelve months and the last six months respectively of that period.

(2) In addition to any other money which the Council are authorised by any such Act to expend for any purpose in the last six months of the relevant financial period, the Council may also expend for that purpose during those last six months any money which they are by that Act authorised to expend but have not expended for that purpose in the first twelve months of that period.

(3) Any money expended in the last six months of a financial period shall be treated as expenditure on account of the financial year comprising those six months.

27.—(1) During any such financial period as aforesaid the Council may lend to persons of any class mentioned in the next following sub-paragraph such sums as the Council think fit not exceeding the amounts specified in the relevant annual money Act in relation to loans to persons of that class for the first twelve months and the last six months respectively of that period.

(2) The classes of persons referred to in the foregoing sub-paragraph are—

- (a) the London borough councils ;

- (b) any other persons having power to levy or to issue a precept for a rate within Greater London or to make any charge on a rate leviable within Greater London or to take or charge within Greater London any due or imposition in the nature of a rate ;
- (c) the governors or managers of educational institutions, including special or approved schools ;
- (d) committees of school treatment centres ;
- (e) the governors or committees of voluntary hostels, homes, or other establishments ;
- (f) persons desiring to borrow money under the Small Dwellings Acquisition Acts 1899 to 1923 or the Housing (Financial Provisions) Act 1958 ;
- (g) persons of any other class specified in the relevant annual money Act.

(3) In addition to any other money which the Council are authorised by an annual money Act to lend to any class of persons in the last six months of a financial period, the Council may also lend to any persons of that class during those six months any money which the Council are by that Act authorised to lend but have not lent to persons of that class in the first twelve months of that period.

(4) A loan made under this paragraph during the last six months of a financial period shall be treated as a loan made on account of the financial year comprising those six months.

(5) Subject to the provisions of any enactment relating to the borrowing powers of the person concerned, any person shall have power to borrow from the Council any money which the Council are by virtue of the foregoing provisions of this paragraph authorised to lend to that person.

(6) Money lent under this paragraph shall be repaid to the Council with interest within such period as the borrower (with the consent of the Minister where his consent is necessary to the borrowing) and the Council may agree, but the period shall not exceed—

- (a) in the case of money lent to a person borrowing as mentioned in sub-paragraph (2) (f) of this paragraph, eighty years ;
- (b) in any other case, sixty years.

(7) Money lent under this paragraph may be made repayable either in one sum or by instalments or by a series of equal annual or other instalments comprising both principal and interest or otherwise as may be agreed between the Council and the borrower.

(8) Where the Council lend money to a person whose power to borrow is subject to the consent of the Minister, the consent of the Minister to the borrowing of the money shall be conclusive evidence that that person had power to borrow the money at the time when the consent was given.

28.—(1) If the whole of the amount authorised by an annual money Act to be expended for any authorised purpose in the first twelve or last six months of the relevant financial period aforesaid

**SCH. 2** is not required to be so expended, the Council may with the approval of the Treasury expend for any other authorised purpose in those twelve or, as the case may be, six months (in addition to the amount authorised in relation to that other purpose) an amount not exceeding the unexpended portion of the first-mentioned amount.

(2) If by reason of unforeseen circumstances the amount authorised by an annual money Act to be expended for any authorised purpose in the first twelve or last six months of the relevant financial period aforesaid is found to be insufficient, the Treasury may on the application of the Council authorise the Council to expend for that purpose such further sums as it is shown to the satisfaction of the Treasury to be necessary or desirable for the Council so to expend, not exceeding in the aggregate such amount as may be authorised in that behalf by that Act in relation to those twelve or, as the case may be, six months.

(3) In ascertaining for the purposes of paragraph 26(2) or 27(3) of this Schedule the amount which may be expended for any authorised purpose in the last six months of the financial period aforesaid to which an annual money Act relates, there shall be taken into account the extent to which the sum authorised to be expended for that purpose in the first twelve months of that period has been expended under sub-paragraph (1) of this paragraph for any other authorised purpose.

(4) The provisions of paragraph 27(6) to (8) of this Schedule shall apply to any loan under this paragraph as they apply to any loan under that paragraph.

(5) In this paragraph references in connection with an annual money Act to expenditure for an authorised purpose are references to expenditure—

- (a) on capital account for a purpose mentioned in that Act; or
- (b) on loans to persons of a class either mentioned in paragraph 27(2)(a) to (f) of this Schedule or specified in that Act.

29. Notwithstanding anything in section 195 of the Local Government Act 1933, the Council may borrow money for the purpose of expenditure on capital account or on lending if, but only if, the expenditure is authorised by an annual money Act; and where any such expenditure is so authorised the consent of the sanctioning authority within the meaning of Part IX of the said Act of 1933 shall not be required to any borrowing for the purpose thereof.

#### *Insurance fund*

30.—(1) The Council may establish a fund (in this paragraph referred to as “the insurance fund”) to be available for making good such losses, damages, costs and expenses as may from time to time arise in respect of such risks as the Council may determine (in this paragraph referred to as “the specified risks”).

(2) The establishment of the insurance fund shall not prevent the Council from insuring in any insurance office in the United Kingdom against the whole or any part of the specified risks.

(3) The Council shall in respect of each year after the establishment of the insurance fund pay into that fund such sum as they think necessary not exceeding the aggregate of—

- (a) a sum which in their opinion would be the aggregate amount of the premiums which would be payable during the year if the Council were fully insured against the specified risks in an insurance office in the United Kingdom ; and
- (b) a sum equal to the amount of any income arising from the fund which is carried to the general London account of the Council's general fund under sub-paragraph (6) of this paragraph ;

but so long as the insurance fund amounts to or exceeds a sum which in the opinion of the Council is reasonably necessary to cover the specified risks the Council may if they think fit discontinue the yearly payments required by this sub-paragraph.

(4) The amount by which any sum paid into the insurance fund in respect of any year exceeds the sum referred to in sub-paragraph (3) (b) of this paragraph may at the discretion of the Council be provided from the respective revenues, funds or rates which, if the specified risks were insured in an insurance office, would be properly chargeable with the payment of the premiums on that insurance or may be provided as a payment for general London purposes.

(5) Pending the application of the insurance fund for the purposes authorised by this paragraph, the moneys in the fund shall, unless applied in any other manner authorised by any enactment, be invested in any investment for the time being authorised by law for the investment of trust property ; and sections 1 to 6 of the Trustee Investments Act 1961 shall apply in relation to the power of investment conferred on the Council by this sub-paragraph as if the Council were trustees and the insurance fund were trust property.

(6) Any income arising from the investment of money in the insurance fund or otherwise from the application of that fund shall be credited to the general London account of the Council's general fund.

(7) If at any time the insurance fund is insufficient to make good any losses, damages, costs or expenses arising in respect of any specified risk, the Council shall make good the deficiency as a payment for general London purposes and may for that purpose borrow money.

(8) Where the Council insure against any risk in any insurance office in the United Kingdom, the Council may if they think fit pay out of the insurance fund any premiums payable in respect of that insurance ; but no such premium shall be so paid if in consequence of the payment the fund would be reduced to less than the sum which in the opinion of the Council is reasonably necessary to cover the specified risks.

(9) Any covenant or obligation binding on the Council to insure against any risk shall, except in so far as the terms of the covenant or obligation otherwise specifically provide, be deemed to be satisfied by a determination by the Council that that risk shall be a specified risk.

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(10) Without prejudice to the generality of the last foregoing subparagraph, where the effecting by the Council of an insurance in respect of any risk would satisfy any obligation imposed on the Council by section 119 (1) of the Local Government Act 1933, a determination by the Council that that risk shall be a specified risk shall be deemed to satisfy that obligation.

(11) References in this paragraph to insurance in an insurance office in the United Kingdom shall be deemed to include references to insurance with an underwriter carrying on business in the United Kingdom.

*Extension of certain provisions to Council*

31. The Council shall be a local authority within the meaning of the following enactments—

- (a) the Ferries (Acquisition by Local Authorities) Act 1919 ;
- (b) section 1 of the Local Authorities (Publicity) Act 1931 ;
- (c) the Electricity Act 1947 ;
- (d) sections 111 (1) (g), 130 and 136 of the Local Government Act 1948 ;
- (e) the Gas Act 1948 ;
- (f) section 454 of the Income Tax Act 1952 ;
- (g) section 1 of the Trading Representations (Disabled Persons) Act 1958 ;

and the following enactments shall apply to the Council as if they were the council of a county, that is to say—

- (i) Part VI and section 129 of the Local Government Act 1948 ;
- (ii) sections 1 to 3 of the Local Government (Miscellaneous Provisions) Act 1953 ;
- (iii) the Local Authorities (Expenses) Act 1956 ;
- (iv) the Litter Act 1958.

## Section 8.

## SCHEDULE 3

PARLIAMENTARY AND LOCAL GOVERNMENT ELECTIONS IN AND  
AROUND GREATER LONDON

## PART I

## PROVISIONS AS TO ELECTIONS

*Constituencies and returning officers for parliamentary elections*

1. It is hereby declared that nothing in this Act affects the constituencies for the time being established for the purposes of parliamentary elections and accordingly those constituencies as constituted immediately before 1st April 1965 shall remain unchanged on and after that date until altered by an Order in Council under the House of Commons (Redistribution of Seats) Act 1949.

2.—(1) On and after 1st April 1965 the returning officer for a parliamentary election for any county constituency situated wholly or partly in Greater London shall be the mayor of such London borough, or such sheriff of a county, mayor of a borough or chairman of the council of an urban district outside Greater London, as the Secretary of State may determine.

(2) Until 1st April 1965 the returning officer for a parliamentary election for any constituency situated wholly or partly in Greater London shall be the person who would by virtue of the Representation of the People Act 1949 have held that office apart from the changes of administrative areas effected by this Act.

#### *Registration of electors*

3.—(1) On and after 1st April 1965 the registration officer for a county constituency situated wholly or partly in Greater London shall be the clerk of the authority of such London borough, or of such county, borough or urban district outside Greater London, as the Secretary of State may determine.

(2) Until 1st April 1965 the registration officer for any constituency situated wholly or partly in Greater London shall be the person who would by virtue of the Representation of the People Act 1949 have held that office apart from the changes of administrative areas effected by this Act.

4.—(1) Subject to the provisions of this paragraph and paragraph 5 of this Schedule—

- (a) as respects any areas in Greater London, the registers of parliamentary and local government electors which are, or apart from the said paragraph 5 would be, required by the Representation of the People Acts to be published not later than 15th February in the years 1964 and 1965 ; and
- (b) as respects any administrative areas outside Greater London which are affected by Part I of this Act, the registers of parliamentary and local government electors required as aforesaid to be published not later than 15th February 1965,

shall be prepared and published on the basis that the changes of administrative areas (including the abolition of existing local government areas and the transfer of certain urban districts from one county to another) effected by Part I of this Act had all taken place on the passing of this Act ; and in any provision of those Acts or of regulations thereunder relating to the registration of electors, corrupt and illegal practices lists and polling districts, references to local government areas and electoral areas shall, so far as concerns those registers, be construed as references respectively to the local government areas as they will exist as from 1st April 1965 and to the electoral areas in those local government areas.

(2) The foregoing sub-paragraph shall not affect—

- (a) the provisions of the Representation of the People Act 1949 or paragraph 3 (2) of this Schedule with respect to the office of registration officer ;

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- (b) the areas for which jurors books are to be prepared under the Juries Acts 1825 to 1954 ;
- (c) the exercise of any powers conferred by section 11, 25 or 37 of the Local Government Act 1933 or section 84 of, or Schedule 1 or 2 to, this Act.

5.—(1) If it appears to the Secretary of State that any electoral area in Greater London for which councillors are elected to a London borough council will not be ascertained in time for the registers of parliamentary and local government electors for any constituency or local government area comprising that electoral area to be published in compliance with regulations under section 42 of the Representation of the People Act 1949 by 15th February 1964 (being the time required by section 1 of the Electoral Registers Act 1949), he may by order provide for the registers for that constituency or local government area to be published by such later date in 1964 as may be specified in the order ; and subsection (6) of the said section 1 (which provides for continuing old registers in force where the new register is not published in the time required by that section and for determining the qualifying date for elections held on the old register) shall apply accordingly where those registers are not published before 15th February 1964.

(2) Any order under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

*Provision as to local government elections before 1st April 1965*

6.—(1) No election of councillors of the county of London or of Middlesex or of any existing county borough, metropolitan borough, non-county borough or urban district situated wholly within Greater London shall be held after the date of the passing of this Act, except an election to fill a casual vacancy in an office where before that date the office has been declared to be vacant or notice of the vacancy has been given under section 67(1) of the Local Government Act 1933 or section 42(1) of the London Government Act 1939 ; and any such councillor holding office immediately before that date or elected on or after that date to fill a casual vacancy occurring before that date shall (unless he resigns his office or it otherwise becomes vacant) continue to hold office until 1st April 1965.

(2) As respects any such county or borough—

- (a) no ordinary election of aldermen shall be held after the passing of this Act ;
- (b) any alderman whose term of office would apart from this Act have expired between the passing of this Act and 1st April 1965 shall (unless he resigns his office or it otherwise becomes vacant) continue to hold office until that date ; and
- (c) any casual vacancy occurring before 1st April 1965 in the office of alderman need not be filled unless the county or borough council so resolve.

(3) It shall not be necessary to fill any casual vacancy occurring during March 1965 in the office of—

- (a) chairman of the London or Middlesex county council ;



- (b) mayor of any borough mentioned in sub-paragraph (1) of this paragraph ;
- (c) chairman of the council of any urban district so mentioned.
- SCH. 3

7. As respects the counties of Essex, Kent and Surrey the ordinary election of county councillors due (apart from this paragraph) to take place in April 1964 shall be postponed until such date in 1965 as the Secretary of State may by order specify in relation to the county in question, and—

- (a) the county councillors and county aldermen due (apart from this paragraph) to retire on the ordinary day of retirement in 1964 or at the annual meeting of the county council in 1964, as the case may be, shall (unless they resign their offices or their offices otherwise become vacant) continue to hold office until the day in 1965 on which the county councillors elected at the postponed elections in that year come into office ;
- (b) the county councillors elected at those postponed elections shall retire on the ordinary day of retirement of county councillors in 1967 ;
- (c) on the said day in 1965 all the county aldermen shall retire and, of the aldermen elected at the postponed elections in that year, one half as near as may be of their number, being those elected by the smallest number of votes, shall retire immediately after the ordinary election of county aldermen in 1967 and the remainder shall retire immediately after the ordinary election of county aldermen in 1970 ;
- (d) if it is necessary for the purposes of the last foregoing sub-paragraph to decide the order of retirement of two or more county aldermen who received an equal number of votes, the question shall be determined by drawing lots at, and under the direction of the person presiding at, the annual meeting of the county council in 1965.

8. For the purpose of determining the date of the annual meeting in 1964 of the council of any county or borough mentioned in paragraph 6 or 7 of this Schedule—

- (a) in the case of any such county, 1964 shall be deemed not to be a year of election ; and
- (b) in the case of any such county borough or non-county borough, as well as of the metropolitan boroughs, paragraph 2 (2) (b) of Schedule 6 to the Representation of the People Act 1948 shall have effect as if the reference to the day of election were a reference to the day of election in all other boroughs in England and Wales.

9. At the ordinary elections of councillors of the county of Hertfordshire and of the urban district of Chigwell due to take place in 1964, no councillors shall be elected for any electoral area situated wholly or partly in Greater London, and any such councillor elected for any such electoral area and holding office immediately before the passing of this Act shall (unless he resigns his office or it otherwise becomes vacant) continue to hold office until 1st April 1965.

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10. No election to fill any casual vacancy in the office of councillor of—

(a) any county mentioned in paragraph 7 or 9 of this Schedule ; or

(b) the urban district of Chigwell,

shall be held after the date of the passing of this Act for any electoral area situated wholly or partly in Greater London, unless before that date the office has been declared to be vacant or notice of the vacancy has been given under section 67(1) of the Local Government Act 1933 ; and any such councillor elected for any such electoral area on or after that date to fill a casual vacancy occurring before that date shall (unless he resigns his office or it otherwise becomes vacant) continue to hold office until 1st April 1965.

11. It shall be the duty of the Essex, Kent and Surrey county councils as soon as may be after the passing of this Act to take into consideration the boundaries and numbers of the electoral divisions and numbers of county councillors for their respective county review areas with a view to making a representation under section 11 of the Local Government Act 1933, and if any of those councils fails to carry out the said duty the Secretary of State may himself take those matters into consideration and make proposals with respect thereto ; and subsections (3) to (7) of that section shall apply to proposals made by the Secretary of State under this paragraph as they apply to representations made by the council of a county district under that section.

12. The provisions of paragraphs 6 to 11 of this Schedule shall have effect notwithstanding anything in the Local Government Act 1933, the London Government Act 1939 or section 57 of, or Schedule 6 to, the Representation of the People Act 1948.

*Conduct of elections of London borough councillors*

13.—(1) The Representation of the People Acts shall apply to an election of London borough councillors as they apply to an election of other borough councillors subject, however, to the provisions of this paragraph and Parts II and III of this Schedule and subject also, in the case of the local elections rules in Schedule 2 to the Representation of the People Act 1949, to such adaptations, alterations and exceptions as may be made by rules made by the Secretary of State under this paragraph.

(2) The returning officer at an election of London borough councillors shall be—

(a) if the election is held before 1st April 1965, the clerk of such authority as may be designated by the Secretary of State ;

(b) if the election is held on or after that date, the town clerk of the borough.

(3) The returning officer at any such election may by writing under his hand appoint a fit person to be his deputy for all or any of the purposes of the election, and any functions which a returning officer is authorised or required to discharge in relation to the election may be discharged by a deputy so appointed.

(4) The provisions of the Representation of the People Act 1949 with respect to the functions of the returning officer at an election

of metropolitan borough councillors shall apply to the election of London borough councillors, but any other provision of that Act which makes special provision with respect to the election of metropolitan borough councillors shall cease to have effect.

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(5) Any rules made under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

*Conduct of elections of councillors of Greater London Council*

14.—(1) The Representation of the People Acts shall apply to an election of a councillor of the Greater London Council as they apply to an election of a county councillor subject, however, to the provisions of this paragraph and Parts II and III of this Schedule and subject also, in the case of the local elections rules in Schedule 2 to the Representation of the People Act 1949, to such adaptations, alterations and exceptions as may be made by rules made by the Secretary of State under this paragraph.

(2) The returning officer at an election of a councillor of the Greater London Council shall be—

- (a) if the election is held before 1st April 1965, the clerk of such authority as may be designated by the Secretary of State ;
- (b) if the election is held on or after that date, the town clerk of the borough which constitutes or includes the electoral area for which the election is held or, in the case of the electoral area which includes the City and the Temples, the town clerk of the London borough numbered 1 in Part I of Schedule 1 to this Act.

(3) The returning officer at any such election may by writing under his hand appoint a fit person to be his deputy for all or any of the purposes of the election, and any functions which a returning officer is authorised or required to discharge in relation to the election may be discharged by a deputy so appointed.

(4) Any rules made under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

*Combined polls, polling districts and election notices for London borough and Greater London elections*

15. After 1964 the ordinary election of councillors of the Greater London Council shall be held in 1967 and each third year thereafter and the ordinary day of election of such councillors shall—

- (a) in any year of election after 1964 and before the relevant year of election be the day fixed for the purpose for that year by the Secretary of State ;
- (b) in the relevant year of election and each subsequent year of election be the day fixed for that year by the Secretary of State as the day of election of borough councillors in England and Wales.

16. Any polling district formed for the purpose of the election of councillors for any ward of a London borough shall, if the ward is wholly included in the electoral area for the election of a

**SCH. 3** councillor of the Greater London Council, be a polling district for the election of a councillor of that Council for that electoral area.

17. The polls at an election of councillors for any ward of a London borough and at an election of a councillor of the Greater London Council for any electoral area which includes the whole or part of that ward shall, so far as they relate to polling districts which are the same for both elections, be taken together—

- (a) in the case of all ordinary elections held in or after the relevant year of election ; and
- (b) in the case of elections to fill casual vacancies in both offices where the same day of election is fixed for both elections.

18. Without prejudice to section 34 of the Representation of the People Act 1949, any notice required to be given in connection with any election of London borough councillors or of a councillor of the Greater London Council may, where the polls are taken together, relate to both elections.

*Payment of expenses of elections of London borough and  
Greater London councillors*

19.—(1) Subject to sub-paragraph (4) of this paragraph and to section 69(3) of this Act, all expenses properly incurred by a returning officer in relation to the holding of an election of London borough councillors shall, in so far as, in cases where the scale fixed for the purposes of this sub-paragraph is applicable, they do not exceed that scale, be paid by the London borough council.

(2) Subject to sub-paragraph (4) of this paragraph and to the said section 69(3), all expenses properly incurred by a returning officer in relation to the holding of an election of a councillor of the Greater London Council shall, in so far as, in cases where the scale fixed for the purposes of this sub-paragraph is applicable, they do not exceed that scale, be paid by the Greater London Council.

(3) The power to fix a scale for the purposes of sub-paragraph (1) or (2) of this paragraph shall be exercisable—

- (a) if the scale relates to elections held before 1st April 1965, by the Secretary of State ;
- (b) if the scale relates to elections held on or after that date, by the Greater London Council.

(4) Where the polls at an election of London borough councillors and of a councillor of the Greater London Council are taken together, the expenses properly incurred by the returning officers in relation to the holding of the elections shall be payable by the Greater London Council and the borough council in such proportions as may be determined under sub-paragraph (5) of this paragraph :

Provided that where one of those elections is an election of a councillor of the Greater London Council for an electoral area which includes the City and the Temples, so much of the expenses of the returning officer at that election as is attributable to things done in or in relation to the City and the Temples shall be left out of account for the purposes of the foregoing provisions of this sub-paragraph and accordingly (so far as properly incurred) shall be payable by the Greater London Council alone.

(5) The amount of any expenses payable under sub-paragraph (4) of this paragraph by the Greater London Council and a borough council and the proportion payable by each of the councils shall be taken to be such as may be agreed between them or as may, in default of agreement, be determined by the Secretary of State.

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(6) Before a poll is taken at an election of a London borough councillor or councillor of the Greater London Council, the authority whose clerk is returning officer shall, at the request of the returning officer or any person acting as returning officer, advance to him such reasonable sum in respect of his expenses at the election as he may require.

### *Interpretation*

20. Any expression used in this Part of this Schedule which is also used in the Representation of the People Act 1949 shall have the same meaning in this Schedule as in that Act.

## PART II GENERAL MODIFICATIONS OF REPRESENTATION OF THE PEOPLE ACTS

21. References in the Representation of the People Acts to a metropolitan borough, metropolitan borough council or metropolitan borough councillor shall until 1st April 1965 be construed as including, and on and after that date be construed as, references respectively to a London borough, London borough council or London borough councillor:

Provided that this paragraph shall not affect the construction of any reference in Schedule 1 to the Representation of the People Act 1948 or any Order in Council under the House of Commons (Redistribution of Seats) Act 1949.

22. References in the Representation of the People Act 1949, the Local Government Elections Act 1956 and the House of Commons (Redistribution of Seats) Act 1958 to a county (other than in the phrase "county constituency"), county council or county councillor shall be construed as including references respectively to Greater London, the Greater London Council or councillors of the Greater London Council.

23. References in the said Acts of 1949 and 1956 in relation to elections of county councillors to an electoral division shall be construed in relation to elections of councillors of the Greater London Council as including references to an electoral area.

24. The three last foregoing paragraphs shall have effect subject to any specific provision contained in Part III of this Schedule and, so far as they modify the local elections rules in Schedule 2 to the said Act of 1949, to the provisions of rules under paragraph 13 or 14 of this Schedule.

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## PART III

## MODIFICATIONS OF REPRESENTATION OF THE PEOPLE ACT 1949

25. In section 5 (5) (b) the words “ expressed by the Act creating it to be ” shall be omitted.

26. As from 1st April 1965 sections 6 (2) and 17 (1) shall not apply to any county constituency situated wholly or partly in Greater London.

27.—(1) Section 22 (1) shall not apply in relation to elections of councillors of the Greater London Council.

(2) If the polling districts in an electoral area for the election of a councillor of the Greater London Council or in part of such an area are not determined by paragraph 16 of this Schedule, the council of the London borough which includes that electoral area or, in the case of an electoral area which includes the City and the Temples, the council of the London borough numbered 1 in Part I of Schedule 1 to this Act may divide that area or, as the case may be, that part of that area into polling districts and may alter any polling district, and section 22 (3) shall apply to the power conferred by this paragraph.

28. Section 26 (2) to (7) shall not apply to elections of councillors of the Greater London Council.

29. Section 27 (2) to (5) shall not apply to elections of London borough councillors.

30. Section 41 (5) shall not apply to the Greater London Council.

31. As from 1st April 1965, for section 110 (3) (b) there shall be substituted—

“ (b) if the said constituency is wholly or partly in Greater London, the petition may be heard at such place within Greater London as the High Court may appoint ”.

32. As from 1st April 1965, section 111 (1) and (2) shall not apply to the trial of an election petition relating to a parliamentary election if the place of trial is at the Royal Courts of Justice or the Central Criminal Court.

33.—(1) In section 172 (1), the definition of “ county ” shall not apply in relation to Greater London, and in the definition of “ local government Act ” after the word “ 1933 ” there shall be inserted the words “ or the London Government Act 1963 ”.

(2) In section 172 (3), for the words “ London county councillors ” there shall be substituted the words “ councillors of the Greater London Council ”.

34. In the local elections rules in Schedule 2—

(a) rule 3 (3) shall be omitted ;

(b) rules 4 (1) (b) and 4 (2) shall not apply to an election of councillors of the Greater London Council ;

(c) for rule 4 (3) there shall be substituted the following :

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“(3) At an election of councillors of the Greater London Council a notice shall be published by causing it—

(a) to be affixed to the town hall of the borough which constitutes or includes the electoral area and, if the electoral area includes the City of London, at the Guildhall of the said City ; and

(b) to be exhibited in such places in the electoral area as the returning officer may determine ;”

(d) in rule 4 (4) for the word “London” in both places where it occurs there shall be substituted the words “Greater London” ;

(e) for rule 47 (b) there shall be substituted the following:—

“(b) at an election of councillors for the Greater London Council, to the clerk to that Council.”

35. Paragraph 3 of Schedule 7 shall not apply to the Greater London Council.

36. Any modifications of an enactment made by Part II or this Part of this Schedule shall not affect the operation of that enactment in relation to an election held on or after the date of the passing of this Act to fill a casual vacancy occurring before that date.

#### SCHEDULE 4

Section 8.

##### MODIFICATIONS OF LOCAL GOVERNMENT ACT 1933

1. In section 1 (1), as from 1st April 1965, for the word “London” there shall be substituted the words “Greater London”.

2. In sections 3 (2), 5 (2), 18 (2) and 20 (1), the words “or ceases to be qualified” shall be omitted.

3. In sections 4 (3), 7 (5), 19 (3) and 22 (5) for the words from “whether or not” onwards there shall be substituted the words “whether or not he voted or was entitled to vote in the first instance, shall give a casting vote”.

4. After section 6 (3) there shall be inserted—

“(3A) If a county alderman is elected to and accepts the office of county councillor, his office of county alderman shall thereupon become vacant.”

5. Section 18 (7) and (10) and, in section 20 (3), the words from “and” onwards shall not apply to a London borough.

6. For section 21 (2) there shall be substituted—

“(2) The number of aldermen shall be one-third of the whole number of councillors or, if that number is not divisible by three, one-third of the highest number below that number which is divisible by three.

(2A) In its application to a London borough, subsection (2) of this section shall have effect as if for the words ‘one-third’ and ‘three’ wherever those words occur there were substituted respectively the words ‘one-sixth’ and ‘six’.”

7. After section 21 (3) there shall be inserted—

“(3A) If an alderman is elected to, and accepts the office of, councillor of the borough, his office of alderman shall thereupon become vacant.”

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8. After section 23 (2) there shall be inserted—

“(2A) Subsection (2) of this section shall not apply to a London borough, but the term of office of councillors of such a borough shall be three years, and they shall retire together in the year 1967 and every third year thereafter on the ordinary day of retirement of borough councillors in England and Wales.”

9. Section 25 shall not apply to a London borough.

10. Nothing in section 59 (1) (a) or (2) shall operate to disqualify any person from being elected or being—

(a) the chairman or an alderman of the Greater London Council ;

(b) a councillor of the Greater London Council for an electoral area in an outer London borough ;

(c) a member of the council of an inner London borough, by reason of his being a teacher in, or being otherwise employed in, any school, college or other educational institution maintained or assisted by the Inner London Education Authority.

11. In section 65, at the end there shall be added—

“(h) in the case of a county alderman accepting the office of county councillor or of an alderman of a borough accepting the office of councillor of the borough, upon the date on which he accepts that office.”

12. In section 67 (2), for the words “by the mayor” there shall be substituted the words “(other than a London borough) by the mayor, in the case of an election of a councillor of a London borough by the returning officer”.

13. In section 72 (1)—

(a) after the word “borough” in the second place where that word occurs there shall be inserted the words “(other than a London borough)” ;

(b) immediately before the words “district councillors” in the second place where those words occur there shall be inserted the words “councillors of a London borough or of”.

14. In section 93 (1) (a), after the words “county council” there shall be inserted the words “the Greater London Council, the council of a London borough”.

15. For section 97 there shall be substituted the following:—

“Applica- 97. The provisions of this Part of this Act relating  
tion to City of London of provisions relating to joint committees. to joint committees shall apply to the Common Council of the City of London as if that City were a London borough and the Common Council were the council of that borough, but subject to the modification that a reference to disqualification under Part II of this Act shall be construed as a reference to disqualification under the provisions of any enactment for the time being in force relating to disqualification for membership of the Common Council.”



16. In section 110, after the words "county borough" wherever those words occur there shall be inserted the words "London borough".

17. In section 112 (5), after the words "county borough" there shall be inserted the words "London borough".

18. After section 123, there shall be inserted the following section:—

"Payment of salary etc. due to mentally disordered person.

123A.—(1) Subject to the provisions of this section, the power of a local authority to pay remuneration to their officers shall include power, where the authority are satisfied after considering medical evidence that the person to whom, apart from this section, any sum to which this section applies is payable (hereafter in this section referred to as "the patient") is incapable, by reason of mental disorder within the meaning of the Mental Health Act 1959, of managing and administering his property and affairs, to pay that sum or such part thereof as the authority think fit to the institution or person having the care of the patient to be applied for his benefit and to pay the remainder, if any, or such part thereof as the authority think fit—

- (a) to or for the benefit of persons who appear to the authority to be members of the patient's family or other persons for whom the patient might be expected to provide if he were not mentally disordered; or
- (b) in reimbursement, with or without interest, of money applied by any person either in payment of the patient's debts (whether legally enforceable or not) or for the maintenance or other benefit of the patient or such persons as are mentioned in the foregoing paragraph.

(2) This section applies to any sum payable by a local authority to an officer or pensioner of the authority, or to the widow or widower or a child of a deceased officer or pensioner thereof, by way of remuneration, pension, superannuation or other allowance, gratuity or annuity, or by way of repayment (with or without interest) of contributions made to any superannuation or other fund; and in this subsection the expression "pensioner" includes a person entitled to any pecuniary benefit under any enactment or scheme for the establishment of a superannuation fund or a superannuation and provident fund administered by the local authority:

Provided that a local authority shall not in exercise of the powers conferred by subsection (1) of this section apply more than one hundred pounds in any year in respect of any one person.

(3) Before exercising their powers under this section in relation to any patient a local authority shall give to the authority having jurisdiction under Part VIII of

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the said Act of 1959 notice in writing of their intention so to do, specifying the name and address of the patient and the amount and nature of the sums in respect of which the local authority intend to exercise those powers, and the local authority shall, at the same time, give notice in writing to the patient in a form approved by the authority having jurisdiction as aforesaid; and, except with the approval of the authority having jurisdiction as aforesaid, the local authority shall not make the first payment under this section in relation to that patient before the expiration of the period of fourteen days beginning with the date of the service of the notice.

(4) If at any time the authority having jurisdiction as aforesaid gives to the local authority notice in writing that the first-mentioned authority objects to the exercise by the local authority of their said powers in relation to any patient, those powers shall, as from the date of the receipt by the local authority of the notice, cease to be exercisable by the local authority in relation to that patient unless and until the first-mentioned authority withdraws the notice.

(5) A local authority shall be discharged from all liability in respect of any payment or application of money effected by the authority in exercise of their powers under this section."

19. In section 157 (1), the words "under this or any other public general Act" shall be omitted.

20. The purposes for which the council of a London borough is empowered by section 157 (1) to acquire land by agreement shall include the benefit, improvement or development of the borough; but such a council shall not have power by virtue of this paragraph to acquire land outside the borough except with the consent of the Minister.

21. In section 158 (1), the words "by this or any other public general Act" shall be omitted.

22. Section 171 shall not apply to an inner London borough.

23. In section 176, the words "the provisions relating to the acquisition of land otherwise than by agreement and" shall not apply to Greater London.

24. In sections 198 (1) and 213 (1), the references to sums borrowed as therein mentioned shall be construed as including references to sums borrowed by the Greater London Council under paragraph 29 of Schedule 2 to this Act.

25. In section 212 (1), for the words "or half-yearly" there shall be substituted the words "half-yearly or quarterly" and, in section 212 (2), after the words "six months" there shall be inserted the words "or, where the moneys are repayable by quarterly instalments, within three months".

26. In section 218, in the definition of "sanctioning authority", after the word "means" there shall be inserted the words "in relation to the Greater London Council, the Treasury or, in relation to any other local authority".

**27. In section 219—**

(a) in paragraph (a), after the words "county council" there shall be inserted the words "of the Greater London Council, of every London borough council";

(b) in paragraph (c), for the words "county or", there shall be substituted the words "county council, the Greater London Council, a";

28. Sections 237 and 239 shall not apply to a London borough.

29. Sections 250 to 252 shall apply in relation to byelaws made under any enactment (whether passed before or after this Act) by the Common Council, whether acting as a local authority within the meaning of the enactment in question or as a port health authority, or by the Sub-Treasurer of the Inner Temple or the Under-Treasurer of the Middle Temple, as those sections apply in relation to byelaws made under the enactments mentioned in section 250 by a local authority within the meaning of that section.

30. In section 250 (9), references to a county, a county council and the council of a county district shall include references respectively to Greater London, the Greater London Council and the council of a London borough, except that, in the application of that subsection to byelaws relating to sewerage or sewage disposal, the references to a county shall be construed as including references to the sewerage area of the Greater London Council instead of Greater London.

31. In section 250 (10), for the words "and in the case of" there shall be substituted the words "or if no authority or person is so specified, or if the byelaws are".

32. In section 259, at the end there shall be added—

"(3) A borough council may expend such reasonable sum as they think fit for the purpose of presenting an address or a casket containing an address to a person admitted to be an honorary freeman of the borough."

33. Without prejudice to anything contained in its charter or incorporation order, sections 260 to 264 shall not apply to a London borough.

34. Section 269 (1) and (3) shall not apply to an inner London borough.

35.—(1) In section 270, for the words "or county borough" wherever those words occur there shall be substituted the words "county borough or London borough".

(2) In section 270 (1), after the word "district" there shall be inserted the words "and not being the council of a London borough".

(3) After section 270 (3) there shall be added:—

"(4) This section shall apply to the City of London as if it were a London borough and the Common Council were the council of that borough".

36. In section 275 (1) (b), for the words "or under" where first occurring there shall be substituted the words "the London Government Act 1963 or".

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37. In relation to any parish which immediately before 1st April 1965 was situated wholly within Greater London—

- (a) references in sections 281 and 282 to the borough in which a parish is situated shall be construed as including references to the London borough whose area includes the area of that parish ;
- (b) section 281 (3) shall have effect as if after the words “ county borough ” there were inserted the words “ or a parish the area of which is included in the area of a London borough ”.

38. In section 286 (1), for the words “ any enactment passed or statutory order made after the commencement of this Act ” there shall be substituted the words “ any other enactment or statutory order ”.

39. After section 287 there shall be inserted the following sections:—

“ Service of notices by local authority.

287A.—(1) Any document to which this section applies, being a document required or authorised to be served on any person, shall be deemed to be duly served—

- (a) where the person to be served is a company, if the document is addressed to the secretary of the company at its registered office or at its principal office or place of business, and is either—

- (i) sent by post, or

- (ii) delivered at the registered office, or at the principal office or place of business, of the company ;

- (b) where the person to be served is a partnership, if the document is addressed to the partnership at its principal place of business, identifying it by the name or style under which its business is carried on, and is either—

- (i) sent by post, or

- (ii) delivered at the said place of business ;

- (c) where the person to be served is a public body, or a corporation, society or other body, if the document is addressed to the clerk, secretary, treasurer or other head officer of that body, corporation or society at its principal office, and is either—

- (i) sent by post, or

- (ii) delivered at that office ;

- (d) in any other case, if the document is addressed to the person to be served, and is either sent to him by post or delivered at his residence or place of business.

(2) Any document to which this section applies, being a document required or authorised to be served on the owner or occupier of any premises, may be addressed

“the owner” or “the occupier,” as the case may be, of those premises (naming them) without further name or description, and shall be deemed to be duly served—

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(a) if the document so addressed is sent or delivered in accordance with paragraph (d) of the foregoing subsection ; or

(b) if the document so addressed, or a copy thereof so addressed, is delivered to some person on the premises or, where there is no person on the premises to whom it can be delivered, is affixed to some conspicuous part of the premises.

(3) Where a document to which this section applies is served on a partnership in accordance with this section, the document shall be deemed to be served on each partner.

(4) For the purpose of enabling any document to be served on the owner of any premises, the local authority may by notice in writing require the occupier of the premises to state the name and address of the owner thereof, and if the occupier refuses or wilfully neglects to do so, or wilfully misstates the name and address of the owner, he shall, unless in the case of a refusal he shows cause to the satisfaction of the court for his refusal, be liable on summary conviction in respect of each offence to a fine not exceeding five pounds.

(5) This section applies to any notice, order or other document which is required or authorised by any enactment or any instrument made under an enactment to be served by or on behalf of a local authority, or by an officer of a local authority, not being a document to the service of which the provisions of some enactment other than this section or some instrument made under an enactment are applicable.

(6) For the purposes of this section, a notice, order or other document shall be deemed to be a notice, order or other document which is required or authorised to be served on a person if it is required or authorised to be notified, given or transmitted, or (in the case of a demand) if it is required or authorised to be made, to that person, and in this section the expressions ‘served’ and ‘service’ shall be construed accordingly.

Authentic-  
ation of  
documents.

287B.—(1) Any notice, order or other document which a local authority are authorised or required by or under any enactment (including any enactment in this Act) to give, make or issue may be signed on behalf of the authority by the clerk of the authority or by any other officer of the authority authorised by the authority in writing to sign documents of the particular kind or the particular document, as the case may be.

(2) Any document purporting to bear the signature of the clerk of the authority or of any officer stated

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therein to be duly authorised by the authority to sign such a document or the particular document, as the case may be, shall be deemed, until the contrary is proved, to have been duly given, made or issued by the authority of the local authority.

In this subsection the word 'signature' includes a facsimile of a signature by whatever process reproduced.

(3) Where any enactment or instrument made under an enactment makes, in relation to any document or class of documents, provision with respect to the matters dealt with by one of the two foregoing subsections, that subsection shall not apply in relation to that document or class of documents."

40. In section 289, after the word "shall" there shall be inserted the words "in respect of each offence".

41. In section 290 (3), after the word "shall" there shall be inserted the words "in respect of each offence".

42. In section 295, references to the Local Government Act 1933 shall be construed as including references to sections 1 (7) and 2 (4) of, and Schedules 2 and 3 to, this Act.

43. In section 305, at the end of the definition of "local authority" there shall be added the words "the council of a London borough or the Greater London Council".

44. In paragraph 3 (1) of Part V of Schedule 3, for the words "committee, as the case may be" there shall be substituted the words "as the case may be, at the same or any subsequent meeting of the committee".

45. In paragraph 18 of Schedule 9, after the word "shall" there shall be inserted the words "in respect of each offence".

## Section 15.

## SCHEDULE 5

## MODIFICATIONS AS FROM 1ST APRIL 1965 OF ENACTMENTS RELATING TO ROAD TRAFFIC

## PART I

## THE ROAD TRAFFIC ACT 1960

1. In section 17 (5), at the end there shall be added the words "and in this subsection the expression 'county borough' includes a London borough".

2.—(1) In section 21 (1)—

(a) for the words "the London Traffic Area" in both places where they occur there shall be substituted the words "Greater London";

(b) in paragraph (b), for the word "Minister" there shall be substituted the words "Greater London Council".

(2) In section 21 (2), after the words "paragraph (a)" there shall be inserted the words "or (b)" and after the word "authority" there shall be inserted the words "or the Greater London Council, as the case may be".

(3) In section 21 (5), as substituted by section 12 (2) of the Road Traffic Act 1962, after the words "paragraph (a)" there shall be

inserted the words "or to the Greater London Council as respects any road falling within paragraph (b)".

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3. In section 22 (5)—

- (a) in paragraph (a), for the words "the London Traffic Area" there shall be substituted the words "Greater London";
- (b) for paragraph (b) there shall be substituted—  
 "(b) as respects a road in Greater London, not being a trunk road, the Greater London Council".

4. In section 26 (1), for the words "the London Traffic Area" there shall be substituted the words "Greater London".

5.—(1) In section 34 (1)—

- (a) for the words "The Minister may make regulations" there shall be substituted the words "Subject to section 10 (2) of the London Government Act 1963, the Minister may by order made by statutory instrument, which may be varied or revoked by a subsequent order so made, make provision";
  - (b) for the words "the London Traffic Area" there shall be substituted the words "Greater London".
- (2) In section 34 (2)—
- (a) for the word "regulations" there shall be substituted the word "order";
  - (b) for the words "the London Traffic Area" there shall be substituted the words "Greater London".
- (3) In section 34 (3)—
- (a) for the word "regulations" in the first place where it occurs there shall be substituted the word "order";
  - (b) for the words "regulations remain" there shall be substituted the words "order remains";
  - (c) for the words "regulations made by the Minister" in the first place where they occur there shall be substituted the word "order";
  - (d) for the words "regulations made by the Minister apply" there shall be substituted the words "order applies".
- (4) In section 34 (4) as substituted by Schedule 1 to the Road Traffic Act 1962 and in section 34 (6) and (7), for the word "regulations" wherever it occurs there shall be substituted the word "order".

6.—(1) In section 35 (1), for the words "the Minister" there shall be substituted—

- (a) in the first place where they occur, the words "the Greater London Council";
  - (b) in the second place where they occur, the words "that Council".
- (2) After section 35 (1) there shall be inserted—

"(1A) The said Council shall not give their consent to any such scheme as aforesaid affecting a trunk road except with the agreement of the Minister; and in the case of any particular scheme the Minister may after consultation with that

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Council direct the Council to consent thereto within a specified period or to withhold their consent therefrom."

(3) In section 35 (4), for the words from "regulations made" onwards there shall be substituted the words "any order for the time being in force under section 34 of this Act or section 10 (1) of the London Government Act 1963".

(4) In section 35 (5)—

(a) for the word "Minister" in the first place where it occurs there shall be substituted the words "said Council";

(b) for the words from "regulations of" onwards there shall be substituted the words "an order under the said section 34 or 10 (1)".

(5) In section 35 (7), for the words "the metropolitan police district and the City of London" there shall be substituted the words "Greater London".

7. In section 39 (2) for the words "the London Traffic Area" there shall be substituted the words "Greater London".

8.—(1) In section 44 (6) (a) after the word "Wales" there shall be inserted the words "other than Greater London".

(2) After section 44 (7) there shall be inserted—

"(7A) In the application of this section to Greater London, 'local authority' means—

(a) as respects a road for the time being designated by or under section 17 of the London Government Act 1963 as a metropolitan road, the Greater London Council;

(b) as respects any other road in a London borough, the council of the borough;

(c) as respects any other road in the City of London, the Common Council;

but before the Greater London Council submit any scheme under this section with respect to a road for the time being designated as aforesaid they shall consult with any other of the councils aforesaid within whose area that road is situated."

(3) In section 44 (8) for the words "the London Traffic Area" there shall be substituted the words "Greater London".

9.—(1) In section 49 (1) the words from "other than" to "county borough" shall be omitted.

(2) At the end of section 49 there shall be added—

"(9) In its application to Greater London, this section shall have effect as if—

(a) the City of London were a borough and the Common Council the council of that borough;

(b) for any reference to the appropriate Minister there were substituted a reference to the Greater London Council; and

(c) the words 'by statutory instrument' in subsection (5) were omitted."



10. In section 50, after the word "confirmation" there shall be inserted the words "in the case of byelaws of a local authority in Greater London by the Greater London Council or in any other case".

11. In section 60 (2) for the words "metropolitan borough" there shall be substituted the words "London borough".

12. In section 63 (1), after the word "Act" there shall be inserted the words "or sections 10 to 12 of the London Government Act 1963".

13. In section 65 (3), at the end there shall be added the words "the Greater London Council or the Common Council of the City of London".

14. In section 75 (3), for the words from "not being" to "borough" there shall be substituted the words "being the council of a non-county borough or urban district".

15. In section 79 (1), for the words "the London Traffic Area" there shall be substituted the words "Greater London".

16. In section 80 (1), for the words "the London Traffic Area" there shall be substituted the words "Greater London".

17.—(1) In section 81 (1), for the words "the London Traffic Area" there shall be substituted the words "Greater London".

(2) In section 81 (16) (a), for the words "or county district" there shall be substituted the words "London borough or county district, the Common Council of the City of London or, subject to subsection (16A) of this section, the Greater London Council".

(3) After section 81 (16) there shall be inserted—

"(16A) The Greater London Council shall not exercise their powers under this section—

(a) as respects any London borough, without the consent of the council of that borough, or

(b) as respects the City, without the consent of the Common Council,

except with the consent of the Minister of Transport."

18.—(1) In section 85 (1), at the beginning there shall be inserted the words "Subject to section 13 (2) of the London Government Act 1963".

(2) In section 85 (4), for the words "metropolitan borough" there shall be substituted the words "London borough".

(3) In section 85 (5)—

(a) at the beginning there shall be inserted the words "Subject to section 13 (2) of the London Government Act 1963";

(b) for the words "the metropolitan police district or the City of London" there shall be substituted the words "Greater London";

(c) in paragraph (b), for the words "London County" there shall be substituted the words "Greater London";

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- (d) at the end of paragraph (c) there shall be added the words "and, where the transfer is made to the Greater London Council, as if that Council were a local authority within the meaning of this section".
- (4) In section 85 (10), at the end there shall be added the words "or section 10 (1) of the London Government Act 1963".
19. In section 86, as substituted by section 29 (1) of the Road Traffic Act 1962, at the beginning of subsection (1) and at the beginning of subsection (2) there shall be inserted the words "Subject to section 13 (2) of the London Government Act 1963".
20. In section 87, as substituted by the said section 29 (1)—
- (a) in subsection (2) for the words from "and such" to "such a designation" there shall be substituted the words "or section 10 (1) of the London Government Act 1963, and such an order, or an order under any of those sections containing a designation of a place as a parking place":
- (b) at the beginning of subsection (3) there shall be inserted the words "Subject to section 13 (2) of the London Government Act 1963."
21. In section 88 (1) (b), after the word "Minister" there shall be inserted the words "or the Greater London Council."
22. In section 89 (3) (c), after the word "council" there shall be inserted the words "to the Greater London Council".
- 23.—(1) In section 90 (3) after the word "conferred" there shall be inserted the words "on the Minister".
- (2) After section 90 (7) there shall be added—
- "(8) In relation to any functions exercised by the Greater London Council, any reference in subsection (1) or (2) of this section to the Minister shall be construed as a reference to that Council."
24. In section 101 (1), after the word "resides" where first occurring there shall be inserted the words "or, if he resides in Greater London, the Greater London Council".
25. After section 135 (8) there shall be added—
- "(9) In relation to any route, stopping place or terminal point within Greater London, any reference in subsection (8) of this section to the commissioner of police of the metropolis or the commissioner of police for the City of London shall be construed as including a reference to the Greater London Council."
26. After section 141 (8) there shall be added—
- "(9) In relation to any route or part of a route which lies within Greater London, any reference in subsections (2) to (6) of this section to the commissioner of police shall be construed as including a reference to the Greater London Council."
27. In section 202 (2) (a), for the words "metropolitan borough" there shall be substituted the words "London borough, the Greater London Council".

28. In section 220 (6), for the words "metropolitan borough" there shall be substituted the words "London borough".

29. In section 221 (3), after the word "district" there shall be inserted the words "the Greater London Council".

30. In section 248, after the words "purposes of this Act" there shall be inserted the words "or sections 9 to 15 and 20 (2) of the London Government Act 1963".

31. In section 249 (1), after the word "Act" there shall be inserted the words "or section 10 of the London Government Act 1963".

32. In section 257 (1), in the definition of "highway authority" for the words "or the council of a metropolitan borough" there shall be substituted the words "the council of a London borough or the Greater London Council".

33. In Schedule 4, in paragraph 11, for the words "the metropolitan police district and the City of London", there shall be substituted the words "Greater London".

34. In Schedule 8, in paragraph 1, for the words "the administrative county of London" there shall be substituted the words "Greater London".

35. In Schedule 10—

(a) for paragraph 3 there shall be substituted—

"3. The Minister shall take into consideration any objections duly made to the making of the order";

(b) in paragraph 5 (1), for the words "the London Traffic Area" there shall be substituted the words "Greater London";

(c) for paragraph 7 there shall be substituted—

"7. After advertising in pursuance of the last foregoing paragraph any proposal to make an order, the Minister shall take into consideration any objections duly made to the proposal."

## PART II

### THE ROAD TRAFFIC AND ROADS IMPROVEMENT ACT 1960

1. In section 3, at the end there shall be added—

"(5) In its application to Greater London, this section shall have effect subject to the provisions of section 13 (2) to (7) of the London Government Act 1963."

2.—(1) In section 4 (1), for the words "the London area" there shall be substituted the words "Greater London".

(2) In section 4 (2)—

(a) for the words "the London area" there shall be substituted the words "Greater London";

(b) after the words "received by him" there shall be inserted the words "by way of charges made by him for vehicles left in parking places designated under the said subsection (5)".

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(3) In section 4 (3) for the words from "any local" to "area" there shall be substituted the words "the Greater London Council, the council of any London borough or the Common Council of the City of London".

3.—(1) In section 5 (1)—

- (a) the words "subsection (8) or (9) of" shall be omitted;
- (b) for the words "the London Traffic Area" and "that area" there shall be substituted the words "Greater London".

(2) In section 5 (7)—

- (a) for the words "the London Traffic Area" in both places where those words occur there shall be substituted the words "Greater London";
- (b) the words "by virtue of subsection (8) or (9) of that section" and "so" shall be omitted.

4.—(1) In section 8 (3), for the words "regulations under the said section 34" there shall be substituted the words "an order under the said section 34 or under section 10 (1) of the London Government Act 1963".

(2) In section 8 (4),—

- (a) for the words from the beginning to "impose" there shall be substituted the words "Any such order which imposes";
- (b) for the words "the London Traffic Area" there shall be substituted the words "Greater London".

(3) In section 8 (5), for the words "Regulations under the said section 34" there shall be substituted the words "Any such order" and for the word "regulations" wherever else it occurs there shall be substituted the word "order".

(4) In section 8 (6), for the words from "traffic regulations" to "being regulations" there shall be substituted the words "any order in force under the said section 34 or 10 (1), being an order".

5.—(1) In section 15 (4) (d)—

- (a) for the words "the London Traffic Area" there shall be substituted the words "Greater London";
- (b) after the figures "1960" there shall be inserted the words "or section 10 (1) of the London Government Act 1963".

(2) In section 15 (4) (d) and (e), for the words "metropolitan borough" there shall be substituted the words "London borough".

6.—(1) In section 18 (1), for the words "the London area" there shall be substituted the words "Greater London".

(2) In section 18 (1), for the words from "Minister" to "authority" there shall be substituted the words "Greater London Council—

- (a) in the case of any highway for which they are the highway authority, or
- (b) on the application of the council of a London borough or the Common Council of the City of London, in the case of any highway for which the borough council or Common Council, as the case may be, are the highway authority,

may, if on grounds of urgency they consider it expedient".

(3) In section 18 (2), for the words from the beginning to "road improvement" there shall be substituted the words "Where the Greater London Council give authority under the foregoing subsection for the execution of any works of road improvement, or receive notice from the Minister that such works of road improvement as are mentioned in the foregoing subsection are to be executed in the case of a highway for which he is the highway authority".

(4) In section 18 (2) (a), for the words "he" and "him" there shall be substituted respectively the words "they" and "them".

7. In section 19 (1)—

(a) at the beginning there shall be inserted the words "Subject to section 14 (2) of the London Government Act 1963";

(b) for the words "the London area" there shall be substituted the words "Greater London."

8. After section 19 there shall be inserted the following section—

\* Power of Greater London Council to execute road improvements not involving widening.

19A—(1) Where the Greater London Council, after consultation with the council of a London borough or the Common Council of the City of London, are of the opinion that, with a view to facilitating the movement of traffic, it is expedient for works to be executed for the improvement of a highway in Greater London for which the borough council or the Common Council are the highway authority, then—

(a) the highway authority shall, within three months of being notified of that fact, inform the Greater London Council whether they are prepared to undertake those works and, if so, within what time; and

(b) if the Greater London Council at the expiration of the said three months are not satisfied that the highway authority will with reasonable despatch undertake those works (or within the said three months are satisfied that they will not), the Greater London Council may execute those works or other works appearing to them to secure the same or an equivalent improvement of the highway;

and for the purposes of this subsection it shall not be treated as widening a highway to take into the highway land not forming part of it but situated within its outer limits.

(2) Subsections (2) to (6) of section 19 of this Act shall have effect for the purposes of this section as if in those subsections—

(a) for any reference to the Minister there were substituted a reference to the Greater London Council; and

## SCH. 5

(b) for any reference to the execution of works under that section there were substituted a reference to the execution of works under this section, and as if in subsection (3) of that section the words from "except" to "by the Minister" were omitted."

9. In section 22 (1) (a), for the words "the London area" there shall be substituted the words "Greater London".

## PART III

## THE ROAD TRAFFIC ACT 1962

1.—(1) In section 11 (2) (a), the words "or any road in the London Traffic Area" shall be omitted.

(2) After section 11 (2) (a), there shall be inserted—

"(aa) as respects any road in Greater London other than a trunk road, shall be either the appropriate Minister or the Greater London Council; and".

(3) In section 11 (3)—

(a) after the word "authority" where first occurring there shall be inserted the words "or by the Greater London Council";

(b) after the word "authority" in the second place where it occurs there shall be inserted the words "or that Council".

(4) In section 11 (4) (a), after the word "authority" where first occurring there shall be inserted the words "or the Greater London Council".

(5) For section 11 (4) (b) there shall be substituted—

"(b) unless the road is a trunk road, the appropriate Minister shall give notice of his intention to make the order, in the case of a road in Greater London, to the Greater London Council or, in any other case, to the local authority."

2. In section 26—

(a) for the words from the beginning to "Committee" there shall be substituted the words "An order under section 34 of the principal Act or section 10 (1) of the London Government Act 1963";

(b) for the word "regulations" in the last two places where that word occurs there shall be substituted the word "order";

(c) for the words from "in accordance" to "Act" where next occurring there shall be substituted the words "the Greater London Council".

3.—(1) In section 28 (1)—

(a) in paragraph (a), for the words "the London Traffic Area" there shall be substituted the words "Greater London";

(b) for paragraph (b) there shall be substituted—

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“(b) as respects traffic on roads in Greater London, as may be made by an order under section 34 of that Act or section 10 (1) of the London Government Act 1963”.

(2) For section 28 (2) there shall be substituted—

“(2) The authority having power to make an experimental traffic order—

- (a) as respects roads outside Greater London, other than trunk roads, shall be the local authority ;
- (b) as respects roads in Greater London, other than trunk roads, shall be the Greater London Council or, subject to section 11 (2) of the London Government Act 1963, the appropriate Minister ;
- (c) as respects any trunk road in Greater London, shall be the appropriate Minister or, with the consent of that Minister, the Greater London Council ;
- (d) as respects trunk roads outside Greater London, shall be the appropriate Minister ;

and the appropriate Minister may, after giving the local authority or the Greater London Council notice of his intention to do so, by order vary or revoke any experimental traffic order made by the local authority or that Council.”

(3) In section 28 (3) (b), after the word “Minister” there shall be inserted the words “or by the Greater London Council”.

(4) In section 28 (9), for the words from “by” onwards there shall be substituted the words “as respects a road in Greater London as it applies in relation to an order under section 34 of the principal Act or section 10 (1) of the London Government Act 1963”.

(5) In section 28 (11) (b), for the words “the London Traffic Area” there shall be substituted the words “Greater London”.

4.—(1) For section 34 (1), there shall be substituted—

“(1) For the purposes of the following provisions, that is to say—

- (a) sections 20 (3) and 34 (1) of the principal Act ;
- (b) sections 11 (1) and 28 of this Act ; and
- (c) section 10 (1) of the London Government Act 1963,

where any part of the width of a road is in Greater London, the whole width thereof shall be deemed to be in Greater London.”

(2) In section 34 (5), for the words “metropolitan borough” there shall be substituted the words “London borough”.

5. In section 35, for the words “other than section 34” there shall be substituted the words “otherwise than by virtue of section 34 of this Act”.

## Section 16

## SCHEDULE 6

## AMENDMENTS AS FROM 1ST APRIL 1965 IN HIGHWAYS ACT 1959

1. In section 1 (2), for the word "borough" where first occurring there shall be substituted the words "county borough, non-county borough".

2. After section 2 (b) there shall be inserted—

"(c) where the road is situated in a London borough, the Greater London Council or the council of the borough, according as the road is or is not designated by the order as a metropolitan road".

3. In section 3 (1) for the words "The council of a county, borough or urban district" there shall be substituted the words "Any council other than the council of a rural district."

4. In section 8 (2)—

(a) in paragraph (b), after the words "that council" there shall be inserted the words "(and, if the road is situated in Greater London, also by the Greater London Council)";

(b) in paragraph (c) after the words "of the Minister" there shall be inserted the words "(and, if the road is situated in Greater London, also by the Greater London Council with such consent)".

5.—(1) In section 10 (1), for the words "(including the county of London)" there shall be substituted the words "with the Greater London Council", and for the words "or county borough" there shall be substituted the words "county borough or London borough".

(2) In section 10 (4) after the word "county" there shall be inserted the words "with the Greater London Council or with the council of a".

6. In section 13 (6), for the words "(including the county of London)" there shall be substituted the words "the Greater London Council" and for the words "metropolitan borough" there shall be substituted the words "London borough".

7. In section 21 (1), after the word "highways" there shall be inserted the words "outside Greater London".

8. In section 26 (1) for the words "the council of every county, borough and urban district through which" there shall be substituted the words "every council (other than the council of a rural district) through whose area".

9. In section 29, at the end there shall be added—

"(5) This section shall apply to Greater London as if Greater London were a county, the Greater London Council were the council of that county and the London boroughs and the City of London were county districts in that county."

10. In section 30 (6), for the words from "the council" where first occurring onwards there shall be substituted the words "or any council".



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11. In section 34, at the end there shall be added—

“(12) This section shall apply to a London borough or the City of London as if it were a county borough and, in the case of the City of London, as if the Common Council were the council of that county borough.”

12. In section 37, after the word “district” there shall be inserted the words “or the Common Council”.

13.—(1) In section 38 (2) (c)—

(a) after the words “urban district” there shall be inserted the words “the Greater London Council or the Common Council”;

(b) after the word “authority” there shall be inserted the words “or the Greater London Council”.

(2) At the end of section 38 there shall be added—

“(7) In the application of this section to any highway situated in an area which immediately before 1st April 1965 formed part of the administrative county of London—

(a) any reference therein to the commencement of this Act shall be construed as a reference to the said 1st April;

(b) the reference in subsection (3) to the council of a borough shall be construed as including a reference to the council of a metropolitan borough and the Common Council”.

14. In section 39 (1), the words “of the county, borough or urban district” shall be omitted.

15. In section 40 (4)—

(a) in paragraph (a), after the word “section” there shall be inserted the words “is intended to become a metropolitan road or”;

(b) in paragraph (b), after the word “section” there shall be inserted the words “crosses or will cross a metropolitan road or, as the case may be”;

(c) after the word “exercisable” there shall be inserted the words “by the Greater London Council and not by any other local highway authority or”.

16. Section 42 shall cease to have effect.

17. In section 43, after the word “district” there shall be inserted the words “or the Common Council”.

18.—(1) In section 48 (5), at the end there shall be added the words “or, if the materials are to be used in Greater London, from any quarry in Greater London”.

(2) In section 48 (6), after the words “in which the bridge is” there shall be inserted the words “or, if the bridge is in Greater London, from any quarry in Greater London”.

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- (3) In section 48 (9) at the end there shall be added—  
 “ ‘borough’ includes the City of London ;  
 ‘trunk road’ includes a metropolitan road, and ‘trunk road  
 bridge’ shall be construed accordingly.”
19. In section 50 (2), after the words “special road” there shall  
 be inserted the words “metropolitan road”.
20. In section 60, at the end there shall be added—  
 “(5) In this section the expression ‘borough’ includes the  
 City of London.”
21. In section 65, at the end there shall be added—  
 “(6) This section shall apply to the City of London as if  
 it were a borough and the Common Council were the council  
 of that borough.”
22. In section 67, at the end there shall be added—  
 “(7) This section shall apply to the City of London as if  
 it were a borough and the Common Council were the council  
 of that borough.”
23. In section 69, at the end there shall be added—  
 “(4) This section shall apply to the City of London as if  
 it were a borough and the Common Council were the council  
 of that borough.”
24. In section 75, at the end there shall be added—  
 “(5) In this section, the expression ‘borough’ includes  
 the City of London.”
25. In section 76 (4) for the words from “and” to “may be”  
 there shall be substituted the words “in relation to a metropolitan  
 road, the Greater London Council, and in any other case the local  
 authority for the area in which the highway is situated”.
- 26.—(1) After section 85 (4) (a) there shall be inserted—  
 “(aa) as respects a highway being a trunk road situated in a  
 London borough, both by the council of the borough and  
 by the Greater London Council as well as by the Minister,  
 and”.
- (2) In section 85 (5), after the words “land is” there shall be  
 inserted the words “(or, if that land is in a London borough, both  
 by the council of the borough and by the Greater London  
 Council)”.
27. After section 101 (2) (c) there shall be inserted—  
 “(d) in the case of a bridge the highway over which is a  
 metropolitan road or partly a metropolitan road, by the  
 Greater London Council ;  
 (e) in the case of any other bridge in a London borough or  
 the City of London, by the council of the borough or,  
 as the case may be, the Common Council.”

28. After section 108(10)(a) there shall be inserted—

“(aa) in relation to a metropolitan road, the local authority for the area in which the road is situated acting with the consent of the Greater London Council; and”.

29. In section 112(2), at the end there shall be added—

“(d) as respects any part thereof in a London borough or in the City of London, except with the consent of the council of that borough or, as the case may be, of the Common Council.”

30. For section 116(2) there shall be substituted—

“(2) The council of a county as respects any county road in the county, or the Greater London Council, the council of a county borough or London borough or the Common Council as respects any highway in their area, may assert and protect the rights of the public to the use and enjoyment of any such road or highway, including any roadside waste which forms part thereof.”

31. In section 118(2), for the words “borough or of an” there shall be substituted the words “county borough, non-county borough or”.

32. In section 130(4), at the end there shall be added the words “and this section shall apply to the City of London as if it were a borough and the Common Council were the council of that borough.”

33. In section 132, at the end there shall be added—

“(9) This section shall apply to the City of London as if it were a borough and the Common Council were the council of that borough.”

34. In section 133, at the end there shall be added—

“(5) This section shall apply to the City of London as if it were a borough and the Common Council were the council of that borough.”

35. In section 137—

(a) for the words “the London Traffic Area” in subsections (1), (5) and (6) and for the words “that area” in subsection (1) there shall be substituted the words “Greater London”;

(b) for the word “Minister” there shall be substituted—

(i) in the first place where it occurs in subsection (1), the words “Greater London Council (hereafter in this and the next following section referred to as ‘the Council)’”; and

(ii) subject to sub-paragraphs (d) and (e) of this paragraph, in every other place where it occurs, the word “Council”;

(c) subject to the next following sub-paragraph, for the word “him” wherever it occurs there shall be substituted the word “them”;

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- (d) in subsection (3), for the words from the beginning to "report" where last occurring there shall be substituted the words "The Council shall consider in relation to one another the proposals contained in the statements submitted to, or prepared by, them under this section and, after consultation with the appropriate commissioner of police and the London Transport Board";
- (e) in subsection (3), after the words "authorities affected" there shall be inserted the words "other than the Minister";
- (f) in the proviso to subsection (3), for the word "he" there shall be substituted the word "they".
36. In section 138—
- (a) for the word "Minister" wherever it occurs there shall be substituted the word "Council";
- (b) for the words "him", "his", or "he thinks", wherever any of those words occur, there shall be substituted respectively the words "them", "their", or "they think";
- (c) after subsection (3) there shall be inserted—
- “(3A) The consent of the Council for the purposes of subsection (2) of this section shall not be unreasonably withheld, and any question arising under this subsection whether the withholding of consent is unreasonable shall be determined in like manner as any similar question arising under subsection (4) of section 136 of this Act; and subsections (6) and (7) of that section shall have effect as if the references therein to subsection (1) of that section included references to the said subsection (2)”.
37. In section 139(1), for the words "the London Traffic Area" there shall be substituted the words "Greater London".
38. In section 142(5), at the end there shall be added the words "and this section shall apply to the City of London as if it were a borough and the Common Council were the council of that borough".
39. In section 143(5), at the end there shall be added the words "and this section shall apply to the City of London as if it were a borough and the Common Council were the council of that borough".
40. In section 146(1), for the word "borough" in the first place where it occurs there shall be substituted the words "county borough, non-county borough".
41. In section 148(1), after the word "Act" there shall be inserted the words "or in any area in Greater London".
42. In section 149(1), after the words "urban district" there shall be inserted the words "the Greater London Council or the Common Council".
43. In section 154(1), after the words "urban district" there shall be inserted the words "or in the City of London".

44. In section 155(11), for the words from "a highway in a borough" to "case may be" there shall be substituted the words "any other highway, the local authority for the area in which it is situated".

45. In section 157, at the end there shall be added—

"(9) This section shall apply to the City of London as if it were a borough and the Common Council were the council of that borough".

46. For section 159(8)(b) there shall be substituted—

"(b) in relation to any other highway, the local authority for the area in which the highway is situated".

47. In section 163, at the end there shall be added—

"(7) This section shall apply to the City of London as if it were a borough and the Common Council were the council of that borough".

48. In section 164(1), after the word "Act" there shall be inserted the words "and any local authority in Greater London".

49. In section 165, at the end there shall be added—

"(4) This section shall apply to the City of London as if it were a borough and the Common Council were the council of that borough".

50. For section 166(6)(b) there shall be substituted—

"(b) in relation to any other highway, the local authority for the area in which the highway is situated."

51. In section 167, at the end there shall be added—

"(8) This section shall apply to the City of London as if it were a borough and the Common Council were the council of that borough."

52. In section 170(3), after the word "Act" where first occurring there shall be inserted the words "and the local authority for any area in Greater London".

53.—(1) In section 173(1), after the word "apply" there shall be inserted the words "in all London boroughs, in the City of London", and for the words "any borough" there shall be substituted the words "any county borough, non-county borough".

(2) In section 173(2), for the word "boroughs" there shall be substituted the words "county boroughs, non-county boroughs".

(3) In section 173(3), for the words "boroughs and" there shall be substituted the words "boroughs other than the inner London boroughs and in all".

54. In section 192(3)(i), for the words "(including the county of London)" there shall be substituted the words "the Greater London Council, the council of a" and for the words "metropolitan borough" there shall be substituted the words "London borough".

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55. In section 204(1), after the words "situated in" there shall be inserted the words "a London borough, the City of London or".

56. In section 206(9), at the end there shall be added the words "and this section shall apply to a London borough or the City of London as if it were a county borough and, in the case of the City of London, as if the Common Council were the council of that county borough."

57.—(1) In section 213(2), in the definition of "street works authority", after paragraph (a) there shall be inserted—

"(aa) as respects a street in the City of London, the Common Council; and".

(2) In section 213 (3) (a), after the word "force" there shall be inserted the words "and in a London borough and the City of London".

(3) In section 213 (4), at the end there shall be added the words "and in this subsection the expression 'county borough' includes a London borough and the City of London".

58. After section 214(7)(a) there shall be inserted—

"(aa) in the case of a trunk road in a London borough, both by the council of that borough and by the Greater London Council as well as by the Minister, and".

59. After section 223(2)(a) there shall be inserted—

"(aa) if the acquisition is for a purpose so specified in connection with a trunk road in a London borough, both by the council of that borough and by the Greater London Council as well as by the Minister, and".

60. In section 233(1), after the word "Minister" where first occurring there shall be inserted the words "or, in the case of any other highway, being a highway situated in a London borough or in the City of London, either the council of the borough or the Common Council, as the case may be, or the Greater London Council".

61.—(1) In section 238(1), for the words "or county borough" there shall be substituted the words "the Greater London Council and the council of a county borough or London borough".

(2) In section 238 (3), at the end there shall be added the words "and this subsection shall have effect as if Greater London were a county, the Greater London Council were the council of that county and a London borough were a non-county borough in that county".

62. In section 239(2), for the words from "the council" where first occurring onwards there shall be substituted the words "or any council".

63.—(1) In section 252(1), after the words “the authority” there shall be inserted the words “or, in the case of any area in Greater London, either the local authority or the highway authority for either of the streets in question (not being the Minister)”.

(2) In section 252 (2) after the word “authority” there shall be inserted the words “or highway authority”.

64. In section 257(1), after the word “Act” there shall be inserted the words “and any local authority in Greater London”.

65. In section 276, at the end there shall be added—

“(10) In this section, the expression ‘borough’ includes the City of London.”

66. In section 286(2), after the word “Government” there shall be inserted the words “or made by the Greater London Council”.

67. Section 291, except subsection (3) thereof, shall cease to have effect.

68. In section 295(1)—

(a) after the paragraph beginning “code of 1875” there shall be inserted—

“‘Common Council’ means the Common Council of the City of London”;

(b) in the definition of “council”, after the words “county council” there shall be inserted the words “the Greater London Council”;

(c) in the definition of “local authority”, for the words “or county district” there shall be substituted the words “London borough or county district or the Common Council”;

(d) after the paragraph beginning “maintenance” there shall be inserted—

“‘metropolitan road’ means a road for the time being designated by or under section 17 of the London Government Act 1963 as a metropolitan road;”

69. In section 297, after the words “or county borough” there shall be inserted the words “or relating to the functions of the Greater London Council as respects metropolitan roads or of the council of a London borough as respects any other highway”.

70. Section 312(3) shall cease to have effect and the repeal effected by section 312 (2) shall extend to the whole of Greater London.

71. In section 312(5), for the words from “in force” onwards there shall be substituted the words “in force in any part of Greater London on 31st March 1965 shall cease to have effect on 1st April 1965”.

72. In Schedule 1, in paragraph 3, in the Table—

(a) in head (i), for the words “The council of every county and county borough in which” there shall be substituted the words “Every council (other than the council of a county district) in whose area”;

(b) in head (iii), for the words “The council of every county, county borough and county district in which” there shall be substituted the words “Every council in whose area”.

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73. In Schedule 1, in paragraph 8(a), for the words "the council of every county, county borough and county district in which" there shall be substituted the words "every council in whose area."

74. In Schedule 7, in paragraph 1(3)(b)(i)—

(a) for the words "the council of every county, county borough, county district and" there shall be substituted the words "every council, the council of every";

(b) for the words "county, borough, district or parish which" there shall be substituted the words "council or parish whose area".

75. In Schedule 7, in paragraph 3(3)(a), for the words "the council of a county, county borough or county district", there shall be substituted the words "any council".

76. In Schedule 9, in paragraph 1, after the words "county council" there shall be inserted the words "or the Greater London Council".

77. In Schedule 19, in column 2, in the entries relating to sections 118, 146 (1) and 204, for the word "Borough" there shall be substituted the words "County borough, non-county borough".

78. Without prejudice to the power to make an order for corresponding purposes under section 84 of this Act, Schedule 24 shall not apply to Greater London other than the outer London boroughs.

## Section 17.

## SCHEDULE 7

## METROPOLITAN ROADS

## PART I

| Route Number | From                                                                                                                | To                                                                                                                |
|--------------|---------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| A.1 ...      | Junction with A.501 (Islington).                                                                                    | Highgate Archway, Archway Road.                                                                                   |
| A.2 ...      | Junction with A.3 (Southwark).                                                                                      | Junction with Crown Woods Way, Woolwich.                                                                          |
| A.3 ...      | Southern end of London Bridge.                                                                                      | Beverley Bridge at Roehampton Vale.                                                                               |
| A.4 ...      | Junction of Strand and Aldwych near St. Clement Danes Church.<br>Junction with A.400 at Trafalgar Square by Strand. | Junction with A.301 at Lancaster Place, Strand.<br>60 yds. east of junction with Netheravon Road South, Chiswick. |
| A.5 ...      | Junction with A.40 (Marble Arch).                                                                                   | Junction with A.4003 (Kilburn).                                                                                   |
| A.10 ...     | Junction with A.1202 (Shoreditch).                                                                                  | Junction with Craven Park Road, Stamford Hill.                                                                    |
| A.11 ...     | Junction with A.1210 (Aldgate).                                                                                     | Junction with Borthwick Road, Leyton.                                                                             |
| A.13 ...     | Junction with A.11 (White-chapel).                                                                                  | Junction with Hermit Road, West Ham.                                                                              |



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| Route Number | From                                                                | To                                                                              |
|--------------|---------------------------------------------------------------------|---------------------------------------------------------------------------------|
| A.20 ...     | Junction with A.2 (Deptford).                                       | 44 yds. east of junction with Mervyn Avenue, New Eltham.                        |
| A.21 ...     | Junction with A.20 (Lewisham Clock Tower).                          | The boundary of Greater London at Orpington.                                    |
| A.22 ...     | Junction with A.23 (Purley).                                        | The boundary of Greater London at Whyteleafe.                                   |
| A.23 ...     | Junction with A.3200 (Lambeth).                                     | Junction with A.235 (Purley).                                                   |
| A.24 ...     | Junction with A.3 at Clapham Common.                                | The boundary of Greater London at Ewell.                                        |
| A.40 ...     | Junction with A.4200 (Holborn).                                     | Junction with Old Oak Road, Acton.                                              |
| A.41 ...     | Junction with A.501 (Marylebone).                                   | Junction with A.598 (Hampstead).                                                |
| A.100 ...    | Junction with A.1211 (Tower Hill).<br>Southern end of Tower Bridge. | Junction with A.1210 (Tower Hill).<br>Junction with A.2 (Southwark).            |
| A.101 ...    | Junction with A.1203 (Stepney).                                     | Junction with A.200 (Bermondsey).                                               |
| A.102 ...    | Junction with A.106 (Hackney).                                      | Junction with A.206 (Greenwich).                                                |
| A.104 ...    | Junction with A.1 at Islington Green.                               | Junction with A.11 (Woodford).                                                  |
| A.105 ...    | Junction with A.104 (Dalston).                                      | Junction with A.1004 (Palmer's Green).                                          |
| A.106 ...    | Junction with A.107 (Hackney).                                      | Junction with A.112 (Leyton).                                                   |
| A.107 ...    | Junction with A.10 (Stoke Newington).                               | Junction with A.11 (Stepney).                                                   |
| A.110 ...    | Junction with A.1000 (New Barnet).                                  | Junction with A.11 at Buckhurst Hill.                                           |
| A.111 ...    | The boundary of Greater London at Enfield.                          | Junction with A.406 (Edmonton).                                                 |
| A.112 ...    | Junction with A.1011 (Silvertown).<br>Junction with A.106 (Leyton). | Junction with A.11 (Stratford).<br>The boundary of Greater London at Chingford. |
| A.113 ...    | Junction with A.11 (Leyton).                                        | The boundary of Greater London at Woodford Bridge.                              |

## SCH. 7

| Route Number | From                                                                  | To                                                                           |
|--------------|-----------------------------------------------------------------------|------------------------------------------------------------------------------|
| A.114 ...    | Junction with A.116 (Wanstead).                                       | Junction with A.104 (Leyton).                                                |
| A.116 ...    | Junction with A.114 (Wanstead).                                       | Junction with A.117 (East Ham).                                              |
| A.117 ...    | Junction with A.16 (East Ham).                                        | Woolwich Ferry (north side).                                                 |
| A.118 ...    | Junction with A.11 (Stratford).                                       | Junction with A.12 and A.127 at Gallows Corner.                              |
| A.123 ...    | Junction with A.13 (Barking).                                         | Junction with A.124 (Barking).                                               |
| A.124 ...    | Junction with A.13 (West Ham).                                        | Junction with A.1112 (Dagenham).                                             |
| A.200 ...    | Junction with A.3 (Bermondsey).                                       | Junction with A.206 (Greenwich).                                             |
| A.201 ...    | Junction with A.2 (Southwark).<br>Northern end of Blackfriars Bridge. | Southern end of Blackfriars Bridge.<br>Junction with A.401 (Finsbury).       |
| A.202 ...    | Junction with A.2 (Deptford).                                         | Junction with A.302 at Victoria Street, Westminster.                         |
| A.203 ...    | Junction with A.23 (Lambeth).                                         | Junction with A.202 at Vauxhall.                                             |
| A.204 ...    | Junction with A.215 (Tulse Hill).                                     | Junction with A.23 (Lambeth).                                                |
| A.205 ...    | Junction with A.206 (Woolwich).                                       | Junction with A.406 (Gunnersbury).                                           |
| A.206 ...    | Junction with A.2 (Greenwich).<br>Junction with A.220 (Erith).        | Junction with A.2016 (Erith).<br>The boundary of Greater London at Dartford. |
| A.207 ...    | Junction with A.2 (Greenwich).                                        | The boundary of Greater London at Dartford.                                  |
| A.209 ...    | Junction with A.2 (Woolwich).                                         | Junction with A.207 (Bexley).                                                |
| A.210 ...    | Junction with A.20 (Woolwich).                                        | Junction with A.205 (Woolwich).                                              |
| A.212 ...    | Junction with A.205 (Lewisham).                                       | Junction with A.215 (Croydon).                                               |
| A.214 ...    | Junction with A.3 (Wandsworth Common).                                | Junction with A.212 (Crystal Palace).                                        |

SCH. 7

| Route Number | From                                                              | To                                                                         |
|--------------|-------------------------------------------------------------------|----------------------------------------------------------------------------|
| A.214 ...    | Junction with A.222 (Elmerside Road) at Elmers End.               | Junction with A.222 (Upper Elmers End Road) at Elmers End.                 |
| A.215 ...    | Junction with A.3 (Elephant and Castle).                          | Junction with A.222 (Croydon).                                             |
| A.216 ...    | Junction with A.23 (Streatham).                                   | Junction with A.217 (Mitcham).                                             |
| A.217 ...    | Junction with A.308 (Fulham).                                     | The boundary of Greater London at Banstead.                                |
| A.219 ...    | Junction with A.24 (Merton).                                      | Junction with A.404 (Willesden).                                           |
| A.220 ...    | Junction with A.207 (Bexley).                                     | Junction with A.206 (Erith).                                               |
| A.222 ...    | Junction with A.20 (Sidcup).                                      | Junction with A.232 (Croydon).                                             |
| A.224 ...    | Junction with A.20 (Sidcup).                                      | The boundary of Greater London at Orpington.                               |
| A.232 ...    | Junction with A.224 (Orpington).<br>Junction with A.23 (Croydon). | Junction with A.235 (Croydon).<br>The boundary of Greater London at Ewell. |
| A.234 ...    | Junction with A.212 (Crystal Palace).                             | Junction with A.222 (Beckenham).                                           |
| A.235 ...    | Junction with A.23 (Thornton Heath).                              | Junction with A.23 (Purley).                                               |
| A.236 ...    | Junction with A.217 (Mitcham).                                    | Junction with A.23 (Croydon).                                              |
| A.238 ...    | Junction with A.24 (Merton).                                      | Junction with A.298 (Raynes Park).                                         |
| A.240 ...    | The boundary of Greater London at Ewell.                          | Junction with A.3 (Tolworth).                                              |
| A.243 ...    | The boundary of Greater London at Leatherhead.                    | Junction with A.307 (Surbiton).                                            |
| A.244 ...    | The boundary of Greater London at Sunbury.                        | Junction with A.312 (Feltham).                                             |
| A.297 ...    | Junction with A.24 (Morden).                                      | Junction with A.217 (St. Helier).                                          |
| A.298 ...    | Junction with A.238 (Raynes Park).                                | Junction with A.3 (Raynes Park).                                           |
| A.300 ...    | Southern end of Southwark Bridge.                                 | Junction with A.3201 (Southwark).                                          |

## SCH. 7

| Route Number | From                                                                                                                | To                                                                                               |
|--------------|---------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| A.301 ...    | Junction with A.3202 (Southwark).                                                                                   | Junction with A.4 at the Strand.                                                                 |
| A.302 ...    | Junction with A.3212 at St. Margaret Street, Westminster.<br>Junction with A.202 at Vauxhall Bridge Road, Victoria. | Junction with A.3200 (Lambeth).<br>Junction with A.4 at Hyde Park Corner.                        |
| A.305 ...    | Junction with A.307 (Richmond).<br>Junction with A.312 (Feltham)                                                    | Junction with A.310 (Twickenham).<br>The boundary of Greater London at Sunbury.                  |
| A.306 ...    | Junction with A.3 (Wandsworth).                                                                                     | Junction with A.219 (Hammersmith).                                                               |
| A.307 ...    | The boundary of Greater London at Thames Ditton.                                                                    | Junction with A.205 (Kew).                                                                       |
| A.308 ...    | Junction with A.3220 at Ashburnham Road, Chelsea.                                                                   | The boundary of Greater London at Sunbury.                                                       |
| A.309 ...    | Junction with A.308 (Hampton Court).                                                                                | The boundary of Greater London at Esher.                                                         |
| A.310 ...    | Junction with A.305 (Twickenham).                                                                                   | Junction with A.308 (Hampton Wick).                                                              |
| A.311 ...    | Junction with A.308 (Hampton).                                                                                      | Junction with A.312 (Hampton Hill).                                                              |
| A.312 ...    | Junction with A.311 (Hampton Hill).                                                                                 | Junction with A.4090 (Harrow).                                                                   |
| A.314 ...    | Junction with A.315 (Hounslow).                                                                                     | Junction with A.305 (Feltham).                                                                   |
| A.315 ...    | Junction with A.219 at Butterwick, Hammersmith.<br>Junction with A.205 at Kew Bridge.                               | Junction with A.219 at Queen Caroline Street, Hammersmith.<br>Junction with A.30 (East Bedford). |
| A.316 ...    | Junction with A.4 (Chiswick)                                                                                        | Junction with A.312 (Feltham).                                                                   |
| A.400 ...    | Junction with A.4 at Strand by Charing Cross.                                                                       | Junction with A.1 at Highgate Hill.                                                              |
| A.401 ...    | Junction with A.4 at Piccadilly Circus.<br>Junction with A.201 at Farringdon Road.                                  | Junction with A.40 at New Oxford Street.<br>Junction with A.501 at Pentonville Road.             |
| A.404 ...    | Junction with A.5 (Paddington).                                                                                     | The boundary of Greater London at Rickmansworth.                                                 |

## SCH. 7

| Route Number | From                                           | To                                        |
|--------------|------------------------------------------------|-------------------------------------------|
| A.407 ...    | Junction with A.4003 (Willesden).              | Junction with A.4088 (Willesden).         |
| A.409 ...    | Junction with A.404 (Harrow)                   | The boundary of Greater London at Bushey. |
| A.410 ...    | Junction with A.404 (Harrow)                   | Junction with A.41 (Edgware).             |
| A.411 ...    | The boundary of Greater London at Borehamwood. | Junction with A.1000 at Barnet.           |
| A.501 ...    | Junction with A.5 (Marylebone).                | Junction with A.5201 (Finsbury).          |
| A.502 ...    | Junction with A.400 at Camden Town.            | Junction with A.406 (Hendon).             |
| A.503 ...    | Junction with A.400 at Camden Town.            | Junction with A.406 (Walthamstow).        |
| A.598 ...    | Junction with A.41 (Hampstead).                | Junction with A.1000 (Finchley).          |
| A.1000 ...   | Junction with A.1 (Highgate)                   | The boundary of Greater London at Barnet. |
| A.1004 ...   | Junction with A.105 (Palmer's Green).          | Junction with A.111 (Southgate).          |
| A.1011 ...   | Junction with A.13 (West Ham).                 | Junction with A.117 (North Woolwich).     |
| A.1081 ...   | Junction with A.1000 (Barnet)                  | The boundary of Greater London at Barnet. |
| A.1112 ...   | Junction with A.13 (Dagenham).                 | Junction with A.12 (Chadwell Heath).      |
| A.1200 ...   | Junction with A.501 (Shoreditch).              | Junction with A.1 (Islington).            |
| A.1202 ...   | Junction with A.5201 (Shoreditch).             | Junction with A.11 (Stepney).             |
| A.1203 ...   | Junction with A.1210 (Tower Hill).             | Junction with A.13 (Stepney).             |
| A.1205 ...   | Junction with A.13 (Stepney)                   | Junction with A.11 (Stepney).             |
| A.1206 ...   | Junction with A.13 (Stepney)                   | Millwall Outer Dock Lock, Isle of Dogs.   |
| A.1208 ...   | Junction with A.10 (Shoreditch).               | Junction with A.107 (Bethnal Green).      |
| A.1210 ...   | Junction with A.100 (Tower Hill).              | Junction with A.11 (Whitechapel).         |

## SCH. 7

| Route Number | From                                                     | To                                                       |
|--------------|----------------------------------------------------------|----------------------------------------------------------|
| A.1211 ...   | Junction with A.100 (Tower Hill).                        | Junction with A.11 (Aldgate).                            |
| A.2015 ...   | Junction with A.21 (Lewisham)                            | Junction with A.222 (Beckenham).                         |
| A.2016 ...   | Junction with A.206 (Erith)...                           | Junction with A.220 (Erith).                             |
| A.2203 ...   | Junction with A.102 (Greenwich).                         | Junction with A.206 (Greenwich).                         |
| A.2204 ...   | Junction with A.206 (Woolwich).                          | Woolwich Ferry (south side).                             |
| A.2211 ...   | Junction with A.206 (Greenwich).                         | Junction with A.20 (Lewisham).                           |
| A.2213 ...   | Junction with A.2 (Greenwich)                            | Junction with A.20 (Woolwich) (including Kidbrooke Way). |
| A.3005 ...   | Junction with B.358 (Norwood Green).                     | Junction with A.315 (Hounslow).                          |
| A.3006 ...   | Junction with A.315 (Hounslow).                          | Junction with A.4 (Hounslow).                            |
| A.3036 ...   | Junction with A.23 at Westminster Bridge Road.           | Junction with A.3 (Wandsworth).                          |
| A.3200 ...   | Junction with A.3 (Southwark)                            | Junction with A.23 (Lambeth).                            |
| A.3201 ...   | Junction with A.300 (Southwark).                         | Junction with A.3 (Southwark).                           |
| A.3202 ...   | Junction with A.3 (Southwark)                            | Junction with A.23 (Lambeth).                            |
| A.3203 ...   | Junction with A.201 (Southwark).                         | Junction with A.3212 at Millbank.                        |
| A.3204 ...   | Junction with A.3 (Elephant and Castle).                 | Junction with A.202 (Vauxhall).                          |
| A.3205 ...   | Junction with A.203 (Vauxhall)                           | Junction with A.3036 (Vauxhall).                         |
| A.3211 ...   | Junction with A.201 at Blackfriars Bridge.               | Junction with A.302 at Westminster Bridge.               |
| A.3212 ...   | Junction with A.4 at Pall Mall East at Trafalgar Square. | Junction with A.3220 at Battersea Bridge.                |
| A.3214 ...   | Junction with A.302 (Victoria)                           | Junction with A.3215 (Victoria).                         |
| A.3215 ...   | Junction with A.3214 (Victoria)                          | Junction with A.302 (Victoria).                          |

## SCH. 7

| Route Number | From                                        | To                                                                                              |
|--------------|---------------------------------------------|-------------------------------------------------------------------------------------------------|
| A.3216 ...   | Junction with A.4 at Knightsbridge.         | Junction with A.3 (Clapham Common) (excluding the whole of the centre island of Sloane Square). |
| A.3220 ...   | Junction with A.3 (Clapham Common).         | Junction with A.40 (Shepherds Bush).                                                            |
| A.4003 ...   | Junction with A.5 (Kilburn)...              | Junction with A.407 (Willesden).                                                                |
| A.4005 ...   | Junction with A.406 (Alperton)              | Junction with A.404 (Sudbury).                                                                  |
| A.4006 ...   | Junction with A.409 (Harrow)                | Junction with A.5 (Hendon).                                                                     |
| A.4020 ...   | Junction with A.40 at Shepherds Bush Green. | The boundary of Greater London at Uxbridge.                                                     |
| A.4088 ...   | Junction with A.407 (Willesden).            | Junction with A.404 (Sudbury).                                                                  |
| A.4090 ...   | Junction with A.312 (Harrow)                | Junction with A.410 (Harrow).                                                                   |
| A.4127 ...   | Junction with A.4020 (Southall).            | Junction with A.404 (Wembley).                                                                  |
| A.4140 ...   | Junction with A.410 (Stanmore).             | The boundary of Greater London at Bushey.                                                       |
| A.4200 ...   | Junction with A.4 at Aldwych                | Junction with A.400 (Camden Town).                                                              |
| A.4201 ...   | Junction with A.4 at Piccadilly Circus.     | Junction with A.40 at Oxford Circus.                                                            |
| A.4202 ...   | Junction with A.4 at Hyde Park Corner.      | Junction with A.40 at Marble Arch.                                                              |
| A.4209 ...   | Junction with A.5 (Paddington).             | Junction with A.40 (Paddington).                                                                |
| A.5201 ...   | Junction with A.501 (Finsbury)              | Junction with A.10 (Shoreditch).                                                                |
| A.5203 ...   | Junction with A.501 (King's Cross).         | Junction with A.1 (Islington).                                                                  |
| B.112 ...    | Junction with A.107 (Hackney)               | Junction with B.114 (Hackney).                                                                  |
| B.113 ...    | Junction with B.114 and B.116 (Hackney).    | Junction with A.106 (Hackney).                                                                  |
| B.114 ...    | Junction with B.112 (Hackney)               | Junction with B.113 (Hackney).                                                                  |
| B.115 ...    | Junction with A.112 (Leyton)                | Junction with A.11 (Leyton).                                                                    |

## SCH. 7

| Route Number | From                                        | To                                                           |
|--------------|---------------------------------------------|--------------------------------------------------------------|
| B.124 ...    | Junction with A.13 (Poplar)...              | Millwall Outer Dock Lock.                                    |
| B.126 ...    | Junction with A.1211 (Tower Hill).          | Junction with A.1210 (Tower Hill).                           |
| B.164 ...    | Junction with A.112 (Stratford)             | Junction of Stephenson Street and Manor Road (Canning Town). |
| B.211 ...    | Junction with A.206 (Greenwich).            | Junction with B.210 (Greenwich).                             |
| B.212 ...    | Junction with B.211 (Greenwich).            | Junction with A.2 (Greenwich).                               |
| B.304 ...    | Junction with A.3212 at Chelsea Embankment. | Junction with A.3220 at Battersea Bridge Road.               |
| B.358 ...    | Junction with B.454 (Southall)              | Junction with A.3005 (Southall).                             |
| B.362 ...    | Junction with A.315 (Hounslow).             | Junction with A.314 (Hounslow).                              |
| B.454 ...    | Junction with A.4020 (Southall).            | Junction with B.358 (Southall).                              |
| B.461 ...    | Junction with B.4566 (Canons Park).         | Junction with A.410 (Stammore).                              |
| B.4566 ...   | Junction with A.4088 (Wembley).             | Junction with B.461 (Harrow).                                |

## PART II

| Name of Road                   | From                             | To                            |
|--------------------------------|----------------------------------|-------------------------------|
| Hardel Rise (Tulse Hill)       | Junction with A.205 ...          | Junction with A.215.          |
| Manor Road (Canning Town).     | Junction with Stephenson Street. | Junction with Star Lane.      |
| Star Lane (Canning Town).      | Junction with Manor Road.        | Junction with Liverpool Road. |
| Liverpool Road (Canning Town). | Junction with Star Lane.         | Junction with A.13.           |



## SCHEDULE 8

Section 21.

MODIFICATIONS AS FROM 1ST APRIL 1965 OF ENACTMENTS  
RELATING TO HOUSING

## PART I

## THE HOUSING ACT 1957

1. In section 1 (1), for the words "administrative county" there shall be substituted the word "City".
2. In section 6 (1)—
  - (a) in paragraph (c), after the words "fifty-seven" there shall be inserted the words "and before 1st April 1965";
  - (b) at the end there shall be added—
    - (d) to a contract made on or after 1st April 1965 for letting for human habitation a house at a rent not exceeding—
      - (i) in the case of a house situated outside Greater London or in an outer London borough, fifty-two pounds;
      - (ii) in the case of a house situated in any other part of Greater London, eighty pounds."
3. In section 93 (3)—
  - (a) for the words "London County Council and of a metropolitan" there shall be substituted the words "Greater London Council and of a London";
  - (b) for the words "the administrative county of London" there shall be substituted the words "Greater London".
4. For section 131 (2) there shall be substituted—

"(2) In the application of this section to the Common Council of the City of London, for the reference to the Public Health Act 1936 there shall be substituted a reference to the City of London (Sewers) Acts 1848 to 1897."
5. In the proviso to section 145(1)—
  - (a) for the words "the administrative county of London" there shall be substituted the words "Greater London other than the outer London boroughs";
  - (b) for the words "the county" there shall be substituted the words "that area"; and
  - (c) for the words "London County Council" there shall be substituted the words "Greater London Council".
6. In section 145(3)—
  - (a) for the words "the administrative county of London" there shall be substituted the words "Greater London other than the outer London boroughs";
  - (b) for the words "London County Council" there shall be substituted the words "Greater London Council"; and
  - (c) for the words "metropolitan borough" there shall be substituted the words "London borough".

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7. In section 146, for the words "within the administrative county of London, the London County Council" there shall be substituted the words "in Greater London other than the outer London boroughs, the Greater London Council".

8. In section 147 (5), for the words "the administrative county of London" there shall be substituted the words "Greater London other than the outer London boroughs".

9. In section 148, at the end there shall be added—

"(4) In this section, the expression "borough" does not include an inner London borough."

10. In section 166 (2), for the words "London County Council" in both places where those words occur there shall be substituted the words "Greater London Council".

11. In section 189 (2), at the end there shall be added the words "and the Greater London Council".

12. In Schedule 9, in paragraph 1, for the words "administrative county" and for the word "county" in the second place where it occurs there shall be substituted the word "City".

13. In Schedule 9, in paragraph 11 (c)—

(a) the words from "as respects England" to "London" where first occurring and the words from "as respects the City" to "metropolitan borough" shall be omitted;

(b) at the end there shall be added the words "and, where any such house is situated in the City of London, the Common Council".

## PART II

*Other enactments*

14. The Small Dwellings Acquisition Act 1899 shall apply—

(a) in relation to a London borough as if a London borough were a county borough;

(b) in relation to the City as if the City were a county borough and the Common Council were the council of that county borough;

(c) in relation to the Greater London Council, as if Greater London were a county and the Greater London Council were the council of that county.

15. In the Housing (Financial Provisions) Act 1958—

(a) in section 9 (4), as substituted by section 16 of the House Purchase and Housing Act 1959, for the words "metropolitan boroughs" there shall be substituted the words "London boroughs, the Greater London Council";

(b) in Schedule 3, in paragraph 2 (1), for the words from "other than the" to "borough council" there shall be substituted the words "(including any such loss borne by the Greater London Council)".

16. In the House Purchase and Housing Act 1959—

(a) in section 2 (2) (a), the reference to the metropolitan police district shall not include the London borough numbered 15 in Part I of Schedule 1 to this Act;

- (b) in section 13 (4), for the words "metropolitan boroughs" there shall be substituted the words "London boroughs, the Greater London Council".

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17.—(1) In the application to the Greater London Council or a London borough council of section 4 of, and Schedule 1 to, the Housing Act 1961—

- (a) in relation to a dwelling completed in the financial year 1965-66—

(i) that year shall be the relevant financial year ; and

(ii) Part I of that Schedule shall have effect as if the words "preceding that" wherever those words occur in paragraph 1 or 2 thereof were omitted ;

- (b) the financial year 1965-66 shall be the earliest financial year which may be determined by the Minister under paragraph 5(2) of that Schedule ;

- (c) where the financial year 1965-66 is the relevant financial year, the references in paragraph 6 (1) (a) and (b) of that Schedule to houses within the local authority's Housing Revenue Account for the last year preceding the relevant financial year or, as the case may be, for the relevant financial year shall be construed as references to houses within the local authority's Housing Revenue Account on 1st April 1965 or, as the case may be, on 31st March 1966.

(2) In the said Schedule—

- (a) in paragraph 1(2)—

(i) for the words "London County Council" there shall be substituted the words "Greater London Council";

(ii) for the words "metropolitan boroughs and the City of London" there shall be substituted the words "rating areas in Greater London";

- (b) in paragraph 1(5), at the end there shall be added the words "and except that it includes any rate in the nature of a general rate levied in the Inner Temple or the Middle Temple".

#### SCHEDULE 9

Section 35.

#### MODIFICATION AND RE-ENACTMENT AS FROM 1ST APRIL 1965 OF ENACTMENTS RELATING TO SEWERAGE AND DRAINAGE

##### PART I

##### GENERAL MODIFICATIONS OF SEWERAGE PROVISIONS OF PUBLIC HEALTH ACTS

1. Subject to the provisions of this Schedule, the Greater London Council as well as the council of a London borough or county district shall be a local authority for the purposes of the enactments mentioned in section 37 (1) of this Act and accordingly shall be a sewerage authority within the definition of that term in section 90 of the Public Health Act 1936, and any reference in those enactments to the district of a local authority shall, in relation to the Greater London Council, be construed as a reference to the sewerage area of the Greater London Council.

## SCH. 9

2. Subject as aforesaid, any such enactment conferring on a local authority any function with respect to the provision, construction or acquisition of, or other dealing with, a sewer or sewage disposal works or any function in connection with drainage shall—

- (a) so far as the enactment relates to a main sewer or sewage disposal works primarily serving the sewerage area of the Greater London Council, have effect as if any reference to a local authority were a reference to that Council ;
- (b) so far as the enactment relates to a sewer primarily serving that area other than a main sewer or to drainage in that area, have effect as if any reference to a local authority were a reference to the council of a London borough or county district, as the case may be:

Provided that this paragraph shall not affect the exercise of any function with respect to a main sewer or sewage disposal works primarily serving that area so long as the sewer or works remains vested in the council of a London borough or county district.

3. The following provisions, that is to say—

- (a) the enactments mentioned in section 37 (1) of this Act, so far as they relate to functions exercisable (by virtue of the two foregoing paragraphs) by the Greater London Council, and

- (b) section 27 of the Public Health Act 1936 and Part XII of that Act so far as it relates to that section,

shall extend to the City and the Temples, but save as aforesaid and except as provided by paragraph 4 of this Part of this Schedule those enactments shall not apply to the City or the Temples.

4. The Minister may, on the application of the Common Council, the Sub-Treasurer of the Inner Temple or the Under-Treasurer of the Middle Temple, as the case may be, and after consultation with the Greater London Council, extend to the City, the Inner Temple or the Middle Temple the enactments mentioned in section 37 (1) of this Act and the provisions of Part III of this Schedule, so far as they do not otherwise extend there, subject, however, to such exceptions and modifications as may be specified in the order; and any such order may, so far as it appears to the Minister to be necessary or proper for the purposes or in consequence of any of the provisions of the order, modify section 35 (3) of this Act, the foregoing provisions of this Part of this Schedule and the provisions of Part II of this Schedule.

## PART II

SPECIFIC MODIFICATIONS OF SEWERAGE PROVISIONS OF  
PUBLIC HEALTH ACT 1936

1.—(1) The powers conferred by section 15 (1) (i) shall not be exercisable by the Greater London Council, but that Council shall instead have the powers conferred by paragraph 1 of Part III of this Schedule.

(2) Nothing in section 15 shall be construed as absolving the council of a London borough or county district from complying with any relevant requirement imposed by paragraph 7 of Part III of this Schedule.

2.—(1) The power of a local authority under section 17 to make a declaration vesting in themselves a sewer or sewage disposal works situate within or serving their district or any part of their district shall not be exercisable—

- (a) by the Greater London Council as respects a sewer or sewage disposal works which is vested in the council of a London borough or county district ;
- (b) by the council of a London borough or county district as respects a sewer or sewage disposal works which is vested in the Greater London Council.

(2) In section 17 (1) the words from “being” to “Act” shall be omitted.

(3) Section 17 (7) and (8) shall not be construed as applying to a declaration by the Greater London Council with respect to a sewer or sewage disposal works unless the sewer or works is situate outside, or serves a district outside, the Council's sewerage area and in relation to a declaration by the council of a borough or county district with respect to a sewer situate within, or serving a district within, that area shall have effect as if any reference to another local authority did not include a reference to the Greater London Council.

3. Section 18 (3) shall not be construed as applying to an agreement to vest a sewer or sewage disposal works in the Greater London Council unless the sewer or works is situate outside the Council's sewerage area and in relation to an agreement to vest in the council of a borough or county district a sewer situate within that area shall have effect as if any reference to another local authority did not include a reference to the Greater London Council.

4.—(1) In section 20 (1) the reference to section 29 of the Local Government Act 1929 shall be construed not only as a reference to section 227 of the Highways Act 1959 but also as including a reference to section 17 (5) of this Act.

(2) For section 20 (2) there shall be substituted the following subsection :—

“(2) Sewers which by virtue of this section continue to be or become vested in a local authority, and sewers and drains which by virtue of section 35 of the London Government Act 1963 become so vested shall be known, and are referred to in this Act, as public sewers :

Provided that a sewer constructed by a local authority after 1st April 1965, or a sewer or drain constructed by such an authority or one of their predecessors between 30th September 1937 and that date for the purpose only of draining property belonging to the authority or their predecessors, being in the case of a sewer or drain constructed before that date by the London county council or a metropolitan borough council a sewer or drain used only for that purpose at that date, shall not be deemed to be a public sewer for the purposes of this Act unless or until it has been declared (whether before or after that date) to be a public sewer.”

5. In section 21, in its application to Greater London (whether or not in the sewerage area of the Greater London Council) but not in its application to any part of that area outside Greater

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London, any reference to a county council shall include a reference to the Greater London Council and in subsection (4) of that section a reference to section 29 (2) of the Local Government Act 1929 shall be construed not only as a reference to section 227 of the Highways Act 1959 but also as including a reference to section 17 (5) of this Act.

6.—(1) Section 24 (4), in its application to an inner London borough, shall have effect as if references to the commencement of that Act were references to 1st April 1965 and as if at the end there were added the words “ or

(c) any length which immediately before 1st April 1965 was used for draining any group or block of houses by a combined operation under an order of a metropolitan borough council or their predecessors ; or

(d) any length which immediately before that date was used for draining a group or block of houses by a combined operation, being a length laid or constructed before 1856 in pursuance of an order or direction of, or with the sanction or approval of, the Metropolitan Commissioners of Sewers.”

(2) Section 24 (5) shall not apply to an inner London borough, the City or the Temples.

7. Sections 25, 37 and 38 shall not apply to an inner London borough, the City or the Temples, and in their application to any other part of the sewerage area of the Greater London Council shall have effect as if references to a local authority did not include references to that Council.

8. For the purposes of section 27 all sewers provided by the Common Council, the Sub-Treasurer of the Inner Temple or the Under-Treasurer of the Middle Temple shall be treated as public sewers.

9.—(1) If so requested by the Greater London Council, the council of a London borough or county district shall enter into an agreement under section 28 on such terms, if any, as the Greater London Council may direct for causing a sewer in the sewerage area of the Greater London Council to communicate with or discharge into a sewer or sewage disposal works outside that area with any other sewerage authority who are willing to enter into the agreement on such terms.

(2) The Common Council shall be included among the sewerage authorities with whom the council of an inner London borough may enter into an agreement under section 28.

(3) Where the council of a London borough or county district enter into such an agreement at the request of the Greater London Council and in consequence reasonably incur expenditure in excess of that which they would have incurred apart from the agreement, the amount of the excess shall be reimbursed to them by the Greater London Council ; and any dispute as to the reasonableness of the expenditure or the amount of the excess shall, in default of agreement, be determined by the Minister.

10. The power of letting land conferred on a local authority by section 29 shall not be exercised by the council of a London

borough or county district in the case of land in the sewerage area of the Greater London Council without the consent of the Greater London Council.

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11. In section 30 the reference to Part II of the Public Health Act 1936, and in section 31 the reference to the foregoing provisions of the said Part II, shall be construed as including references to Part III of this Schedule.

12.—(1) The requirement to keep a map imposed on a local authority by section 32 shall not be construed as requiring the council of a London borough or county district to keep a map showing and distinguishing any sewers or drains within their district which are not vested in the council.

(2) Section 32 (3) shall not apply in the sewerage area of the Greater London Council.

(3) At the end of section 32 there shall be added the following subsection—

“(4) The council of every London borough and county district having sewers in the sewerage area of the Greater London Council shall supply a copy of the said map to the Greater London Council.”

13.—(1) Where a person proposes under section 34 or 35 to make a communication between a drain or sewer and a public sewer of the Greater London Council, the grounds on which the Council may refuse under section 34 (3) or 35 (1) to permit the communication shall be such grounds as they think fit and no application to a magistrates' court may be made under the proviso to section 34 (3) or under section 35 (2) in respect of any such refusal by the Council.

(2) Where a communication is made under section 34 or 35 between a drain or sewer and a public sewer of the council of a borough or county district, the council shall as soon as may be after the making of the communication give the Greater London Council notice of the fact together with such particulars of the communication as the Greater London Council may require in that case or that class of case.

14. In sections 39 and 40, any reference to a local authority shall not include a reference to the Greater London Council.

15. Section 41 shall apply throughout the sewerage area of the Greater London Council and not only to the areas mentioned in subsection (1) of that section, and references in that section to a local authority shall—

- (a) in relation to a public sewer, be construed as a reference to the local authority in whom the sewer is vested ; and
- (b) in relation to any other sewer or in relation to a cesspool or other receptacle for drainage, be construed as a reference to the council of the London borough or county district in which the sewer, cesspool or other receptacle is situated.

16. Any reference in section 42 to a local authority shall be construed as a reference to the local authority in whom the sewer in

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question is vested or, as the case may be, the council of the London borough or county district in which the cesspool in question is situated.

17. In the provisions of Part XII mentioned in section 37 (1) of this Act any reference to the Public Health Act 1936 shall include a reference to Part V of this Act (including Part III of this Schedule).

18. Section 290 (2) to (7) shall apply in relation to any notice given under paragraphs 14 (1) and (3) and 15 (2) of Part III of this Schedule.

19. In section 343 (1) the definition of "local authority" shall not apply in relation to the enactments mentioned in section 37 (1) of this Act.

## PART III

PROVISIONS REPRODUCED FROM PART II OF PUBLIC HEALTH  
(LONDON) ACT 1936*Construction, maintenance and operation of sewers, etc.*

1.—(1) For the purpose of exercising their functions under the enactments mentioned in section 37 (1) of this Act, the Greater London Council may construct a public sewer—

- (a) in, under or over any street, or in or under any cellar or vault below any street ;
- (b) in, on or over any land not forming part of a street ; and
- (c) in, under or over the bed, banks or shores of the River Thames.

(2) Where the Greater London Council propose in the exercise of their powers under this paragraph to construct a sewer which will cross or interfere with any watercourse or works vested in, or under the control of, a land drainage authority other than the Council or the council of a London borough or county district, they shall before adopting plans for the construction of the sewer give notice of their proposals to that authority ; and if that authority within twenty-eight days of the giving of the notice to them serve on the Greater London Council notice of objection to the proposals, the Council shall not proceed with the proposals unless all objections so made are withdrawn or the Minister after a local inquiry has approved the proposals with or without modification.

(3) Section 31 (2) of the Land Drainage Act 1961 (which requires the consent of a river authority to the erection, alteration or repair of structures in, over or under watercourses) shall not apply to any work executed under this paragraph.

(4) The foregoing provisions of this paragraph shall not be construed as exempting the Council from compliance with any relevant requirement imposed by or by virtue of section 279 or any other provision of Part XII of the Public Health Act 1936 or by or by virtue of the Public Utilities Street Works Act 1950.

(5) Except where notice has to be given by the Greater London Council in pursuance of sub-paragraph (2) of this paragraph or of any requirement mentioned in sub-paragraph (4) thereof, no notice need be given by them of any exercise of the powers conferred by this paragraph.



2.—(1) Where any sewer or part of a sewage disposal works vested in the Greater London Council interrupts or will interrupt communications between any premises and any other land or between several parts of the same premises, the Greater London Council may construct such bridges, arches, roads, passages or culverts as they think appropriate for restoring or preserving those communications or may instead pay such compensation to the owners and occupiers of the premises affected as may be agreed with them or as may be just.

(2) Without prejudice to any duty imposed on them by any other enactment, any bridges, arches, roads, passages or culverts constructed in pursuance of this paragraph shall be maintained by the Greater London Council.

3. No works under or over the main navigable channel of the River Lee shall be executed by the Greater London Council in pursuance of the enactments mentioned in section 37 (1) of this Act or in pursuance of this Part of this Schedule, unless—

- (a) in the case of any work under the navigation, the top of the work is at least twelve feet below high water, Trinity standard, and
- (b) in the case of any work over any part of the navigation, the soffit of the work is at least eight feet six inches above high water, Trinity standard, with a clear span over the river, inclusive of the towing path thereof, of at least fifty-four feet :

Provided that the British Waterways Board, upon the application of the Greater London Council, may allow a variation of the said dimensions or any of them.

4.—(1) Notwithstanding anything in sections 30, 31 and 331 of the Public Health Act 1936, the Greater London Council—

- (a) may cause storm water to be discharged from any sewer or pumping station for the time being vested in them into Channelsea river or Abbey creek or both, at any point in the London borough numbered 17 in Part I of Schedule 1 to this Act south of the bridge carrying Abbey road over that river or, as the case may be, that creek ; and
- (b) may permit any storm water discharged under this paragraph into the said river or creek to flow thence into Bow Creek and thence into the River Thames :

Provided that the Greater London Council—

- (i) shall cause the storm water to be discharged only at such times and in such manner as may be necessary to prevent the flooding of places and premises within the sewerage area of the Greater London Council ; and
- (ii) shall take all steps to avoid, so far as practicable, the creation of any nuisance in Channelsea river or Abbey creek by reason of the exercise of the powers of the Council under this paragraph.

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(2) The Greater London Council shall, at the request of the British Waterways Board, cause to be removed at the expense of the Council, by dredging or otherwise to the reasonable satisfaction of the engineer of the said Board, any deposit on the bed of Channelsea river or Abbey creek caused by, or arising from, the discharge by the Council of storm water into the said river or creek under this paragraph.

Any dispute arising under this sub-paragraph between the Greater London Council and the British Waterways Board shall be determined by an arbitrator, who shall, in default of agreement, be appointed by the Minister of Transport on the application of either party to the dispute.

(3) Save as otherwise agreed in writing between the Greater London Council and the Lee Conservancy Catchment Board, the Council, in exercise of their powers under this paragraph, shall not begin any such part of the works required for the purpose of a storm outlet as may involve interference with any river, watercourse, sewer, drain, pipe, river wall or defence or other work which is under the management or control of the Board by virtue of the transfer to them under the Land Drainage Act 1930 of powers formerly exercisable by the council of the county borough of West Ham under the West Ham Corporation (Improvements) Act 1888, unless the Greater London Council have given to the Board at least one month's previous notice of the Council's intention to begin that part of the works aforesaid, together with a plan and section thereof; and in respect of that part of the works and the execution and maintenance thereof, the Council shall comply with all such reasonable requirements as may be communicated to them in writing by the Board within fourteen days after service of the said notice upon them, and that part of the works shall be executed to the reasonable satisfaction of the Board and the reasonable expenses incurred by the Board in connection therewith shall be paid by the Council.

Any dispute arising under this sub-paragraph between the Greater London Council and the said Board shall be determined by an arbitrator who shall, in default of agreement, be appointed by the President of the Institution of Civil Engineers on the application of either party to the dispute.

5.—(1) For the purpose of securing the efficient maintenance of the main and general sewerage of their sewerage area, the Greater London Council shall make such orders as they think proper—

- (a) for the guidance, direction and control of councils of London boroughs and county districts in relation to the levels, construction, abandonment, alteration, maintenance and cleansing of sewers in their respective areas;
- (b) for securing that proper communications are made between the various sewers vested in the councils of London boroughs and county districts and between those sewers and the sewers vested in the Greater London Council;

(c) generally for the guidance, direction and control of councils of London boroughs and county districts in the discharge of their functions in relation to sewerage.

(2) Orders under this paragraph may be so framed as to apply generally or to any particular case or class of case and may make different provision for different cases.

(3) Where the Greater London Council propose to make an order under this paragraph they shall serve a copy of a draft of the order on such as will be affected of the councils of the boroughs and county districts wholly or partially situate within their sewerage area, and any council affected may within six weeks of the service on them of a copy of the draft order refer to the Minister the question whether the order or any provision thereof should be made or whether it should contain other provisions in addition to or in substitution for those contained in the draft order; and on the determination of the reference the Minister may confirm or disallow the draft order and, if he confirms it, may make such modifications thereof as he thinks fit.

(4) An order under this paragraph shall not be made until the expiration of six weeks beginning with the service of the last copy of the draft order to be served or, if it is referred to the Minister, until the Minister has determined the reference and confirmed the order with or without modifications.

(5) On its coming into force, an order under this paragraph shall be binding on the councils of London boroughs and county districts.

6.—(1) The Greater London Council may make byelaws—

- (a) for regulating the dimensions, form and mode of construction, and the maintenance, cleansing and repair, of pipes, drains and other means of communication with sewers, and the traps and apparatus connected therewith, and for prescribing the levels at which such means of communication, traps and apparatus as aforesaid are to be laid;
- (b) for requiring persons who are about to construct, reconstruct, or alter pipes, drains or other means of communication with a sewer, or the traps or apparatus connected therewith, to deposit with the local authority such plans, sections and particulars of the proposed work as may be necessary for the purpose of ascertaining whether it will comply with the requirements of the enactments mentioned in section 37 (1) of this Act, of this Part of this Schedule and of any byelaws under this paragraph:

Provided that byelaws made under paragraph (b) of this subparagraph—

- (i) shall not require the deposit of plans or sections in the case of any repair which does not involve the alteration or entire reconstruction of any such means of communication as aforesaid or of the traps or apparatus connected with a sewer, and
- (ii) in a case where the alteration of a drain must be carried out at once, shall not require the deposit of plans, sections and particulars of the proposed work before it is begun, but may

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require the deposit thereof within such period after the commencement of the work as may be specified in the byelaws.

(2) Byelaws under this paragraph shall only apply to the inner London boroughs.

7.—(1) Where the council of a London borough or county district propose to construct a public sewer or to make a communication between any sewer or drain of theirs and a sewer vested in the Greater London Council, they shall, before beginning any works for the purpose, give notice of the proposal to the Council and shall not proceed with a proposal to make any such communication except with the written approval and in accordance with the directions of the Council.

(2) Any notice under this paragraph shall be accompanied by—

(a) plans and sections of the sewer or communication, as the case may be, drawn to such convenient scale, and showing its location and such other matters, as the Council may direct, and

(b) such other particulars of the proposal as the Council may direct.

(3) Any dispute as to whether any approval under this paragraph has been unreasonably withheld or whether any directions thereunder are unreasonable shall, in default of agreement, be determined by the Minister.

8.—(1) Where proposals for the carrying out of any work have been finally approved under paragraph 7 of this Part of this Schedule, then, without the requisite approval—

(a) the proposals shall not be substantially departed from; and

(b) if the work is not completed within two years of the approval of the original proposals, it shall not be proceeded with.

(2) The said paragraph 7 shall apply in relation to an application for approval under this paragraph as it applies in relation to the original proposal, except that where it is proposed to depart in any respect from the original proposals, the plans, sections and any particulars required by that paragraph shall show the nature of the variation.

(3) This paragraph shall apply in relation to proposals approved thereunder as it applies in relation to proposals originally approved under the said paragraph 7.

9. The Greater London Council or the council of an inner London borough may, so far as may be necessary for the execution in the sewerage area of the Council or in that borough, as the case may be, of any works by that council under the enactments mentioned in section 37 (1) of this Act or under this Part of this Schedule, close or stop up any street.

*Transfer of sewerage responsibilities and of sewers*

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10.—(1) If it appears to the Greater London Council that any part of a London borough or county district is so situate that it would be convenient for the purposes of sewerage and drainage that that part should be placed under the management of the council of an adjoining borough or district, the Greater London Council may by order direct that that part shall, for those purposes, be under the management of that borough or district council.

(2) Where, by virtue of an order under this paragraph, any part of a London borough or county district is placed under the management of the council of an adjoining borough or district, the sums which that council require for defraying the expenses incurred by them in the discharge of their functions relating to sewerage in the said part of the first-mentioned borough or district shall be paid, upon the order of that council, by the council of the first-mentioned borough or district.

## 11. Where—

- (a) a street or line of street is situate in two or more boroughs or county districts, or
- (b) the whole of a street is situate in one borough or county district, but the whole or any part of the buildings abutting on that street is situate in another borough or county district,

the Greater London Council may order that the street or line of street shall, for the purposes of sewerage or drainage or both, be under the exclusive management of the council of one of the said boroughs or districts, and may by order direct in what proportions the costs of constructing and maintaining any new sewer or drain in the street or line of street, or of reconstructing, repairing or maintaining any sewer or drain therein, are to be borne and defrayed respectively by the councils of those boroughs or districts, and the decision of the Greater London Council with respect thereto shall be final.

12.—(1) The Greater London Council may by order declare that any sewer vested in them shall as from such date as may be specified in the order vest in the council of the London borough or county district in which the sewer is situated.

(2) The transfer of a sewer under this paragraph shall not be made without the consent of the council to whom it is to be transferred and shall be made on such terms and conditions as may be agreed between that council and the Greater London Council:

Provided that the foregoing requirement shall not apply if the Minister on the application of the Greater London Council and after consultation with the other council dispenses with the requirement.

(3) Any dispensation granted by the Minister under the last foregoing sub-paragraph may be given either unconditionally or subject to conditions (including conditions requiring the Greater London Council to make payments to the other council in respect of the expenses of repairing or renewing the sewer to be transferred).

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(4) Where a sewer transferred under this paragraph is situated in a part of a London borough or county district or in a street to which an order under paragraph 10 or 11 of this Part of this Schedule applies, the Greater London Council may make such amendments of that order as appear to them to be appropriate in consequence of the transfer.

(5) In this paragraph "sewer" includes a part of a sewer.

*Control of drainage works*

13.—(1) It shall not be lawful in an inner London borough—

- (a) to erect any house or other building, or
- (b) to rebuild any house or other building which has been pulled down to, or to a level below, the floor commonly called the ground floor,

unless there are provided to the satisfaction of the borough council drains conforming with the requirements of this paragraph and all such drains and all works and apparatus in connection therewith are constructed to the satisfaction of the council and, in particular, are constructed of such materials and size, at such level and with such fall, as are approved by the council and are provided with a water supply.

(2) In an inner London borough it shall not be lawful to occupy any house or other building which has been erected or rebuilt in contravention of the foregoing sub-paragraph or of section 37 of the Public Health (London) Act 1936.

(3) In order to conform with the requirements of this paragraph a drain must provide for the drainage of the house or building in connection with which it is required—

- (a) into such sewer, situate or intended to be constructed near the house, building or site, as the borough council may direct; or
- (b) if no sewer is or will be available for the drainage of the house or building, into such covered cesspool or other place, not being under any house or other building, as the council may direct;

and the drains must secure efficient drainage by gravitation at all times and under all conditions of all parts of the house or building including any areas, water-closets, privies and offices belonging to the house or building.

(4) In rebuilding in an inner London borough any house or building which has been pulled down to, or to a level below, the floor commonly called the ground floor, the level of the lowest floor of the house or building shall, subject to the provisions of the next following sub-paragraph, be raised so far as may be necessary to allow of the construction of such works as are required by this paragraph, and for that purpose levels shall be taken and determined under the direction of the borough council.

(5) Notwithstanding anything in the foregoing provisions of this paragraph, where it is proposed to erect or rebuild in an inner London borough any house or building at such a level as will not

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allow of the drainage of all parts of the house or building by gravitation as aforesaid, the borough council may, as respects any part of the house or building which cannot be so drained, either—

- (a) allow that part to be constructed so as not to require drainage therefrom ; or
- (b) allow that part to be drained by means of such pumping or lifting apparatus as may be provided to the satisfaction of the council.

Any pumping or lifting apparatus provided under this sub-paragraph shall be deemed to be a drain.

(6) Where separate sewers for the reception of surface water and sewage respectively have been, or are intended to be, provided in any street, the borough council may, in the discharge of their functions under this paragraph in relation to any house or other building which is to be drained into the sewers in that street, require that the house or building be provided with separate drains for discharging surface water and sewage respectively into the appropriate sewers.

(7) Any person aggrieved by any order, direction, requirement or other decision of a borough council under the foregoing provisions of this paragraph may appeal to a magistrates' court.

14.—(1) Where in an inner London borough—

- (a) any house or other building, whether erected before or after 1st April 1965, is not drained, to the satisfaction of the borough council, by means of a sufficient drain communicating with, and emptying itself into, a sewer, and
- (b) a sewer is or will be available for the drainage of the house or building,

the council may, by notice served on the owner of the house or building, impose such requirements as are mentioned in the next following sub-paragraph.

(2) The requirements which may be imposed by notice under this paragraph are requirements—

- (a) to construct a covered drain from the house or building into the said sewer and such connections to the drain as are adequate for the purposes of draining the house or building, including any areas, water-closets, privies and offices belonging to the house or building and of conveying the sewage therefrom into the sewer ;
- (b) to construct the drain and the connections of such materials and size, at such level and with such fall, as are adequate for the said purposes ;
- (c) to provide proper paved or impermeable sloping surfaces for carrying surface water into the drain or any connections thereto ;
- (d) to provide proper sinks, and proper inlets and outlets, syphoned or otherwise trapped, for preventing the emission of effluvia from the drain or any connections thereto ;

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- (e) to provide a proper water supply and water-supplying pipes, cisterns and apparatus for scouring the drain and any connections thereto, and for causing the drain and any connections thereto to convey away the soil ;
- (f) to provide proper sand traps, expanding inlets and other apparatus for preventing the entry of improper substances into the drain or any connections thereto ; and
- (g) to provide all such other proper works and arrangements as appear to the council or their officers necessary to secure the safe and proper working of the drain and to prevent it from obstructing or otherwise injuring, or impeding the action of, the sewer into which it leads.

## (3) Where—

- (a) any house or other building in an inner London borough, whether erected before or after 1st April 1965, is without sufficient drainage ; and
- (b) there is no proper sewer within two hundred feet of any part of the house or building,

the borough council may, with a view to making temporary provision for the drainage of the house or building and for the abatement of any nuisance existing therein or caused thereby, serve on the owner of the house or building a written notice requiring him—

- (i) to construct, elsewhere than under a house and not nearer to any house than the council may direct, a covered water-tight cesspool or tank or other suitable receptacle ; and
- (ii) to construct and lay a covered drain leading from the first-mentioned house or building into that cesspool, tank or other receptacle.

(4) Where a borough council have required any works to be executed under the foregoing provisions of this paragraph, the council may, from time to time during the execution of the works, cause them to be inspected and may by further notice served on the owner of the house or building require such reasonable alterations thereof, additions thereto or abandonment of parts thereof as the council or their officers, with the fuller knowledge afforded by the opening of the ground, consider necessary to secure that the works will be thoroughly effective for their purpose.

## (5) Where—

- (a) it appears to the council of an inner London borough that a group or block of contiguous houses, or of adjacent detached or semi-detached houses, can more economically or advantageously be drained and improved in combination than separately ; and
- (b) a sewer of sufficient size is situate, or about to be constructed, within one hundred feet of any part of the group or block,

the council may by order require that the group or block be drained by a combined operation complying with such of the requirements mentioned in sub-paragraph (2) of this paragraph as may be specified in the order.



(6) Any person aggrieved by an order made by a borough council under the last foregoing sub-paragraph may appeal to a magistrates' court.

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15.—(1) No person shall—

- (a) begin to lay or to dig out the foundations of any house or building in an inner London borough, or to rebuild any house or building therein; or
- (b) begin to make any drain for the purpose of draining directly or indirectly into a sewer under the control of the council of such a borough,

unless, at least seven days previously, he has given to the borough council notice of his intention so to do, and if any person begins to lay or dig out the foundations of any such house or building, or to make any drain for the purpose aforesaid, in contravention of this paragraph, he shall be liable to a fine not exceeding five pounds and to a further fine not exceeding forty shillings for every day thereafter until the notice is given.

(2) If any house or building, or any drain for draining directly or indirectly into a sewer under the control of the council of a London borough, or any connections to such a drain, or any works, apparatus or water supply in connection with such a drain, is or are begun, erected, made or provided in an inner London borough in contravention of the provisions of this Part of this Schedule or of the corresponding provisions of any enactment repealed by this Act, the council of the borough at their option may either—

- (a) serve upon the owner of the house or building or of the drain (as the case may be) a notice requiring him to cause the house or building to be demolished or altered or to cause the drain or the connections or other works and apparatus in connection therewith or the water supply to be relaid, remade, altered or added to, as the case may require; or
- (b) recover from the person in default, as a debt due from him to the council, a penalty not exceeding five pounds, and a further penalty not exceeding forty shillings for every day on which the contravention continues.

#### *Miscellaneous*

16. It shall be the duty of the council of a London borough or county district, the Common Council, the Sub-Treasurer or the Under-Treasurer, as the case may be, to cleanse every grating and gully in the borough, district, City, Inner Temple or Middle Temple, as the case may be, which satisfies all the following conditions, that is to say—

- (a) it is vested in, or under the control of, the Greater London Council; and
- (b) it is situate in a street which is not a metropolitan road; and
- (c) it communicates with a sewer vested in the Greater London Council.

17.—(1) The council of a London borough or county district may serve on the owner or occupier of any land abutting on a street

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vested in, or repairable by, the council a notice requiring him within the period of twenty-eight days beginning with the service of the notice to carry out such works on the land as may be specified in the notice for preventing soil or refuse from the land from entering any sewer or gully in the street in such quantities as to choke up the sewer or gully.

(2) If any person fails to comply with the requirements of a notice under this paragraph, he shall be liable to a fine not exceeding five pounds and to a further fine not exceeding twenty shillings for every day on which the failure continues after conviction.

(3) Any person aggrieved by the requirements of any such notice may appeal to a magistrates' court.

18.—(1) If any person—

(a) knowingly erects or places any building, wall, bridge, fence, obstruction or encroachment in, on, over or under any sewer vested in the Greater London Council or in the council of an inner London borough ; or

(b) obstructs, fills in or diverts any sewer or drain vested in or under the control of, the Greater London Council or the council of an inner London borough,

without the previous consent in writing of the council in whom the sewer or drain is vested or by whom it is controlled, then, without prejudice to any other proceedings which may be taken against him, that council—

(i) may recover from him, as a debt due from him to the council, a penalty not exceeding twenty pounds, and a further penalty not exceeding five pounds for every day on which the contravention continues after notice thereof has been served on him by the council ; and

(ii) may demolish and remove the building, wall, bridge, fence, obstruction or encroachment, and execute any works necessary for re-opening, restoring, repairing or reinstating the sewer or drain, as the case may be, and may recover from the offender the expenses incurred by the council in so doing.

(2) Nothing in this paragraph shall prevent or impede the maintenance, repair or renewal of any building or works under which a sewer or drain has been constructed, so however that the building or works shall not injure or obstruct the sewer or drain.

19. If any person—

(a) removes, demolishes or otherwise interferes with any sewer or part of a sewer vested in the Greater London Council or in the council of a London borough or county district, without the previous consent in writing of the council concerned ; or

(b) wilfully damages any sewer, bank, defence, wall, penstock, grating, gully, side entrance, tide valve, flap, work or thing vested in the Greater London Council or in the council of a London borough or county district ; or

(c) does anything by reason of which the drainage of the sewerage area of the Greater London Council or any part thereof may be obstructed or damaged,

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the council concerned may, without prejudice to any other proceedings which may be taken against that person, recover from him, as a debt due from him to the council, a penalty not exceeding twenty pounds, and also the amount of the expenses incurred by that council in repairing, restoring or reinstating the sewer or other work or thing removed, demolished, interfered with, damaged or obstructed, as the case may be.

20.—(1) Every person found in, or attempting to enter, any sewer vested in the Greater London Council or in the council of a London borough or county district without the permission of the council in whom the sewer is vested, shall be liable to a fine not exceeding forty shillings.

(2) Any person found in, or attempting to enter, any such sewer as aforesaid without the permission of the council in whom it is vested may be removed from the sewer by an officer of that council, and in the event of the name and address of that person not being known the officer may detain him and hand him over to a police constable.

21. Without prejudice to the generality of the enactments relating to the acquisition of land by local authorities, the Greater London Council and the council of a London borough or county district may—

- (a) purchase, or procure the removal of the whole or any part of, any structure, apparatus or other thing which interrupts or impedes sewerage or drainage, and purchase any land which it may be necessary or expedient to purchase for the purpose of preventing the obstruction of sewerage or drainage ;
- (b) purchase or take on lease the whole or any part of any stream or spring of water or any rights therein which it appears to them necessary to acquire and use for the purpose of cleansing sewers and drains or for any other purposes of Part II of the Public Health Act 1936 or this Part of this Schedule ;
- (c) purchase or take on lease any land which the council consider it advisable to purchase or take on lease for the purpose of drawing or obtaining water from springs or by sinking of wells, and for making and providing reservoirs, tanks, aqueducts, water-courses and other works, or for any other purpose connected with the works for obtaining such supply of water as aforesaid :

Provided that nothing in this paragraph shall authorise any council to use any works executed by them under Part II of the Public Health Act 1936 or this Part of this Schedule, or permit such works to be used, for the purpose of carrying water by supply pipes into any house or factory for domestic manufacturing or commercial purposes.

## Section 38.

## SCHEDULE 10

MODIFICATIONS AS FROM 1ST APRIL 1965 OF ENACTMENTS  
RELATING TO TRADE EFFLUENTS

1. Subject to the provisions of this Schedule, for the purposes of the enactments relating to trade effluents mentioned in section 38 (1) of this Act in their application to the sewerage area of the Greater London Council—

(a) the Greater London Council shall be the local authority for that area both as respects public sewers vested in the Council and as respects those vested in a sewerage authority mentioned in sub-paragraph (b) of this paragraph ; and

(b) in addition to the Greater London Council, the council of a London borough or county district, the Common Council, the Sub-Treasurer of the Inner Temple and the Under-Treasurer of the Middle Temple shall be sewerage authorities.

2. In those enactments in their application to the said sewerage area—

(a) any reference to an interested body in relation to a sewer which discharges into a sewer or sewage disposal works of the Greater London Council shall be construed as including a reference to any sewerage authority in whom that sewer is vested ;

(b) any reference to a public sewer or to a sewer of a local authority shall be construed as a reference to a public sewer of the Greater London Council or of some other sewerage authority, as the case may require ; and

(c) any reference to the district of a local authority shall be construed as a reference to the sewerage area of the Greater London Council ;

and for the purposes of those enactments and this Part of this Schedule any sewer vested in the Common Council, the Sub-Treasurer of the Inner Temple or the Under-Treasurer of the Middle Temple shall be deemed to be a public sewer.

3. The Public Health (Drainage of Trade Premises) Act 1937 in its application to the said sewerage area shall have effect subject to the following provisions :—

(a) any reference in the said Act of 1937 to a provision of the Public Health Act 1936 which is modified by Schedule 9 to this Act shall be construed as a reference to that provision as so modified ;

(b) section 1 shall not prejudice the operation of any provision of the City of London Sewers Act 1848 with respect to the making of communications with sewers or the construction or execution of works to or in connecton with any sewers or drains ;

(c) in section 4 (1) (c) for the first reference to the local authority there shall be substituted a reference to the authority

in whom the sewer was vested at the time when the agreement was made ;

- (d) in section 4 (2) the first reference to the local authority shall, in relation to a drain or sewer, be construed as a reference to the authority who closed the drain or sewer and provided a new one as mentioned in that subsection ;
- (e) in the application of the said Act of 1937 to the inner London boroughs, the City, the Temples and any other area to which that Act did not apply immediately before 1st April 1965—

(i) a reference to that date shall be substituted for the references in sections 4 (1) and 9 (2) to 3rd March 1937 and for the reference in section 7 (5) to the passing of that Act ;

(ii) section 12 shall not have effect ;

(iii) in the case of any part of the said sewerage area falling within an outer London borough or a county district, any question arising under section 4 (1) (as modified by this sub-paragraph) whether a trade effluent discharged within the period of one year ending on 1st April 1965 was lawfully discharged shall be determined as if the Public Health Act 1936 had not been in operation ; and

- (f) in the application of the said Act of 1937 to any part of the said sewerage area to which that Act applied immediately before 1st April 1965 by virtue only of an order under section 22 of the London County Council (General Powers) Act 1953, the modifications of the said Act of 1937 specified in that order shall continue to have effect notwithstanding the repeal of the said section 22 by this Act.

4. Section 7 of the said Act of 1937 (which enables a local authority to make agreements for the reception and disposal of trade effluents with the owners or occupiers of trade premises within the district of the authority) shall be construed as enabling—

- (a) the Greater London Council to enter into such agreements with the owners or occupiers of trade premises outside their sewerage area ;
- (b) sewerage authorities outside that area to enter into such agreements with the owners or occupiers of trade premises within that area ;
- (c) the Greater London Council and any interested body in whom is vested a sewer in the Council's sewerage area to enter jointly into such agreements with the owners or occupiers of trade premises whether within or outside that area.

5.—(1) Any payments mentioned in sub-paragraph (2) of this paragraph and received by the Greater London Council shall—

- (a) if the payment is in respect of the reception or disposal of a trade effluent which has passed through the public sewers of any interested body in the Council's sewerage

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area, be apportioned between the Council and that body ; and

- (b) if the payment is in respect of the reception and disposal of a trade effluent which has passed through the public sewers of a sewerage authority outside that area, be apportioned between the Council and that sewerage authority,

in either case in such proportions as may be agreed or in default of agreement determined by the Minister.

(2) The said payments are—

- (a) payments made in pursuance of conditions imposed by virtue of section 2 of the Public Health (Drainage of Trade Premises) Act 1937 (whether as originally enacted or as amended by section 59 of the Public Health Act 1961) ;
- (b) such payments as are mentioned in section 4 (1) (c) of the said Act of 1937 (as modified by the foregoing provisions of this Schedule) ;
- (c) payments made in pursuance of an agreement under section 7 of the said Act of 1937 (whether as originally enacted or as modified by paragraph 4 of this Schedule) ; and
- (d) payments made in pursuance of a direction under section 55 of the Public Health Act 1961.

6. In section 68 of the said Act of 1961 any reference to any information which has been furnished under the said Act of 1937 or Part V of the said Act of 1961 shall be construed as including a reference to information which has been furnished under Part II of the London County Council (General Powers) Act 1953 or Part V of the London County Council (General Powers) Act 1962.

7. The enactments relating to trade effluents mentioned in section 38 (1) of this Act shall apply to any part of Greater London which does not form part of the sewerage area of the Greater London Council as they apply elsewhere in England and Wales, and accordingly the local authority for the purposes of those enactments in their application to any such part of Greater London shall as respects a London borough be the council of the borough ; but the foregoing provision shall not affect the application of paragraphs 4 and 5 of this Schedule or of any local statutory provision having effect in the district of the West Kent Main Sewerage Board.

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#### SCHEDULE 11

#### MODIFICATION AND RE-ENACTMENT AS FROM 1ST APRIL 1965 OF PROVISIONS OF PUBLIC HEALTH ACTS

#### PART I

#### MODIFICATIONS

#### GENERAL MODIFICATIONS

1. Subject to the provisions of this Schedule, any reference in the enactments to which section 40 of this Act applies to the council of a county borough shall be construed as including a reference to the

council of a London borough, the Common Council, the Sub-Treasurer of the Inner Temple and the Under-Treasurer of the Middle Temple.

2. Subject as aforesaid, and without prejudice to the foregoing paragraph, any reference in the said enactments to the district of a local authority or urban authority shall be construed as including a reference to a London borough, the City, the Inner Temple and the Middle Temple and any reference to a borough or urban district shall be construed as including a reference to the City, the Inner Temple and the Middle Temple.

#### THE PUBLIC HEALTH ACT 1875

3. Sections 160 and 171 shall not apply to Greater London.

4. Any reference in section 161 to an urban authority shall, in relation to a metropolitan road, be construed as a reference to the Greater London Council alone.

5. The paragraph in Part III of Schedule 5 relating to vaults and graves in churches and other places of public worship shall not apply to the inner London boroughs, the City or the Temples.

#### THE PUBLIC HEALTH ACTS AMENDMENT ACT 1890

6. At the end of section 2 (2) there shall be added the words "other than a district in Greater London, and any provision of Part III which may be adopted by a local authority in England and Wales shall extend to Greater London without being adopted there, but Part IV shall not extend to, and may not be adopted in, Greater London", and section 3 shall not apply to Greater London.

#### THE PUBLIC HEALTH ACTS AMENDMENT ACT 1907

7. At the end of section 2 (2) there shall be added the words "other than a district in Greater London and such of those Parts or sections as may be so applied to a district in England and Wales shall extend to Greater London without being so applied", and section 3 shall not apply to Greater London.

8. Sections 21 and 80 and so much of section 81 as relates to the Town Police Clauses Act 1847 shall not apply to Greater London.

#### THE PUBLIC HEALTH ACT 1925

9. Notwithstanding anything in section 2 (2) or 3, sections 14, 16 and 26 shall extend to Greater London without being adopted there and sections 17 to 19 shall not extend to, and may not be adopted in, Greater London, and accordingly the said sections 2 (2) and 3 shall not apply to Greater London.

10. Section 76 shall not apply to Greater London.

#### THE PUBLIC HEALTH ACT 1936

11. Subject to the provisions of the Public Health Act 1936, section 41 of this Act and this Schedule, in any district in Greater London the duty imposed by section 1 (1) of carrying the said Act of 1936 into execution shall, so far as relating to the enactments to which section 40 of this Act applies, be the duty of the local authority for that district.

12. Sections 43, 53 to 55, and 57 to 71 shall not apply to an inner London borough, the City or the Temples.

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13. Section 51 shall in its application to Greater London have effect as if any reference to a water closet included a reference to a urinal and as if that section required the occupier of every building in or in connection with which a urinal is provided to cause the urinal to be supplied with flushing apparatus.

14.—(1) It shall be the duty of a local authority in Greater London other than the outer London boroughs to perform the following services throughout their district:—

- (a) the services mentioned in section 72 (1) ;
- (b) the removal under section 73 (1) of trade refuse of any kind whatsoever at the request of the occupier of premises ; and
- (c) the cleansing of streets under section 77 (1) ;

and every such authority shall be treated for the purposes of sections 72 to 77 as having undertaken the performance throughout their district of the said services, but shall not be entitled to rescind the undertaking.

(2) Section 72 (2) shall not apply in relation to the removal of house refuse in Greater London other than the outer London boroughs, but the following provisions shall have effect therein instead:—

- (a) the local authority shall appoint, and give sufficient notice of, the times for removing house refuse from premises within their district ;
- (b) where house refuse is not removed from any premises at the time appointed for those premises, the occupier of the premises may serve on the local authority a notice requiring the authority to remove the refuse ;
- (c) if the local authority fail, without reasonable excuse, to comply with the notice within the period of forty-eight hours beginning with the service thereof (exclusive of Sundays, Christmas Day, Good Friday, bank holidays and any day appointed for public thanksgiving or mourning), the occupier of the premises may recover summarily as a civil debt from the authority the sum of five shillings for every day during which the default continues after the expiration of that period.

(3) The council of an outer London borough shall not without the consent of the Greater London Council undertake under section 73 (1) to remove from premises within their district trade refuse of a kind which has not previously (whether before or after 1st April 1965) been removed within any part of that district.

15.—(1) The powers exercisable by a local authority under sections 74 (2) and 76 (1) shall be exercisable throughout Greater London by the Greater London Council to the exclusion of any other authority, except that the powers conferred by section 76 (1) (c), so far as they relate to the provision of plant or apparatus for sorting and baling waste paper collected separately from other refuse, shall be exercisable concurrently by the authority collecting the paper and the Greater London Council ; and—



- (a) any reference to a local authority in the said sections 74 (2) and 76 (1) shall be construed accordingly ; and
- (b) any reference to a local authority in section 76 (3), so far as that subsection relates to material deposited in a place provided for the deposit of refuse, shall be construed as a reference to the Greater London Council and not to any other authority.

(2) The places provided by the Greater London Council under section 76 (1) for the deposit of refuse may be either places for the initial deposit by other local authorities in Greater London of refuse removed by those authorities or places for the final deposit of refuse, and the powers of the Greater London Council under that section shall include power—

- (a) to transport refuse from the former kind of place to the latter kind or to plant or apparatus provided by the Greater London Council under that section ; and
- (b) to sell any refuse which has been deposited at any such place or delivered to the Council under section 74 (2).

(3) It shall be the duty of a local authority in Greater London other than the Greater London Council, unless otherwise directed by the Greater London Council, to deposit at the place appointed for the initial deposit thereof all refuse removed by that authority within the district of the authority except any refuse sold by that authority under section 76 (2).

(4) If a dispute arises between the Greater London Council and any other authority in Greater London as to whether a place provided for the initial deposit of refuse from the district of that other authority is unreasonably far from that district or is unsuitable for that authority's refuse removal vehicles the dispute shall, in default of agreement, be determined by the Minister.

(5) An order under section 84 of this Act may include provisions for securing that proper arrangements are in force with respect to the removal, treatment and disposal of refuse during the period of two years beginning with 1st April 1965, and sections 74 (2) and 76 of the Public Health Act 1936 and the foregoing provisions of this paragraph shall have effect subject to the provisions of any such order.

16.—(1) The charge which may be made by a local authority in Greater London under section 75(3) in respect of a dustbin provided by them and having a capacity of more than three and one quarter cubic feet may exceed the limit for the time being applicable by virtue of section 8(3) of the Local Government (Miscellaneous Provisions) Act 1953, but shall be of such reasonable amount as may be determined by the authority.

(2) Any charge so made in respect of a dustbin provided by a local authority in Greater London for premises in more than one occupation for rating purposes shall be apportioned by the authority in such proportions as may be just between the parts of the premises separately occupied for those purposes.

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17. Byelaws made under section 81 with respect to Greater London may include provision for preventing the occurrence of nuisances from ice, salt, offal, carrion, fish or other matter as well as nuisance from the matters therein mentioned.

18.—(1) Byelaws made under section 82 (1) with respect to Greater London may make the like provision for the removal or carriage by water of faecal or offensive or noxious matter or liquid as may be made with respect to the removal or carriage thereof through the streets and may provide that any receptacle or any ship or other vessel used for the purpose shall be properly constructed and covered so as to prevent the escape of any such matter or liquid and so as to prevent any nuisance arising therefrom.

(2) In section 82 (2) for the words from “a regulation” onwards there shall be substituted the words “an order under section 34 of the Road Traffic Act 1960 or section 10 (1) of the London Government Act 1963, the order shall prevail”.

19. Sections 87 and 88, in their application to Greater London, shall have effect as if references to a county council included references to the Greater London Council.

20. For the purposes of section 107 in its application to a London borough, the City or the Temples, the expression “offensive trade” shall include any business declared by an order under section 140 of the Public Health (London) Act 1936 to be an offensive business, being an order in force immediately before 1st April 1965 in some part of that London borough or in the City or the Temples, as the case may be.

21. Section 137 shall not apply to an inner London borough, the City or the Temples.

22. An order under section 305 of the Public Health (London) Act 1936 in force immediately before 1st April 1965 and applying all or any of the provisions of Part IX of that Act to an infectious disease in any area shall be deemed to be an order which has been made and come into operation under section 147 of the Public Health Act 1936 applying the corresponding provisions of Part V of the latter Act to that disease in the whole of any district of a local authority comprising any part of that area.

23. In section 266 (1) (i) the references to a land drainage authority shall include references to the Greater London Council.

24. In Part XII—

(a) any reference to the Public Health Act 1936 shall include a reference to section 41 of this Act and this Schedule ;

(b) any reference to a council shall be construed as including a reference to the Sub-Treasurer of the Inner Temple and the Under-Treasurer of the Middle Temple, except that any reference in any provision of Part XII to the clerk or any officer or authorised officer of the council shall, in relation to the Inner Temple or the Middle Temple, be construed as a reference to an officer authorised by the Sub-Treasurer or the Under-Treasurer, as the case may be, to act for the purposes of that provision ;

- (c) any reference to a local authority or the district of a local authority shall, so far as relating to any enactment under which the Greater London Council has functions, be construed as a reference to that Council or Greater London as the case may be. SCH. 11

25. No order shall be made under section 314 after the passing of this Act as respects the port health authority for the Port of London.

#### THE WATER ACT 1945

26. Section 39 shall apply throughout Greater London.

27. In section 59 (1)—

- (a) at the end of the definition of "district" there shall be inserted the words "and includes the Inner Temple and the Middle Temple";
- (b) in the definition of "local authority" after the words "county borough" there shall be inserted the words "London borough" and for the words "or the council of a metropolitan borough" there shall be substituted the words "the Sub-Treasurer of the Inner Temple or the Under-Treasurer of the Middle Temple"; and
- (c) in the definition of "local enactment" for the word "London" there shall be substituted the words "Greater London and the surrounding area".

28. In Schedule 1 any reference to the county council shall be construed as including a reference to the Greater London Council.

29. In paragraph 1 (1) of Schedule 3, in the definition of "local authority", after the words "rural district" there shall be inserted the words "or the Common Council of the City of London, the Sub-Treasurer of the Inner Temple and the Under-Treasurer of the Middle Temple", and at the end of the definition of "district" there shall be inserted the words "in relation to the Common Council, means the City of London, and includes the Inner Temple and the Middle Temple."

#### THE CLEAN AIR ACT 1956

30. Any reference to building byelaws and building regulations shall, in relation to Greater London other than the outer London boroughs, be construed as a reference to byelaws made by the Greater London Council or the London county council under the London Building Act (Amendment) Act 1935.

31. In section 10 (1), for the words "the administrative county of London" there shall be substituted the words "Greater London or in an outer London borough".

#### THE NOISE ABATEMENT ACT 1960

32. In section 2 (5) for the words "metropolitan borough" there shall be substituted the words "London borough" and after the word "district" there shall be inserted the words "the Greater London Council".

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## THE PUBLIC HEALTH ACT 1961

33. In section 2 (3) after the word "district" there shall be inserted the words "the Common Council, the Sub-Treasurer of the Inner Temple or the Under-Treasurer of the Middle Temple".

34. Sections 4 to 11 shall not apply to an inner London borough, the City or the Temples.

35. In section 20, in its application to Greater London, the reference to a water closet shall include a reference to a urinal.

36. Sections 24 to 31 and 33 shall not apply to an inner London borough, the City or the Temples.

37. In sections 43 and 44 the references to a local authority shall be construed as including references to the Greater London Council, but as not including references to the Sub-Treasurer of the Inner Temple and the Under-Treasurer of the Middle Temple.

38. Any reference in section 45 to a local authority shall in relation to a metropolitan road be construed as a reference to the Greater London Council alone.

39. In section 73, in its application to Greater London, any reference to a local authority shall be construed as a reference to the Greater London Council alone.

40. In section 81 after the word "meeting" there shall be inserted the words "or by the Greater London Council".

41. In Schedule 1, in paragraph (a) of the amendment of section 33 of the Civil Defence Act 1939, for the words "outside the administrative county of London" there shall be substituted the words "outside Greater London and in the outer London boroughs".

## PART II

## PROVISIONS REPRODUCED FROM ENACTMENTS RELATING TO PUBLIC HEALTH IN LONDON

1.—(1) Without prejudice to sections 259 and 262 of the Public Health Act 1936, but subject to the following provisions of this paragraph, if a local authority consider that in any premises a pond, pool, ditch, gutter or place containing, or used for the collection of, any drainage, filth, stagnant water or other matter is likely to be prejudicial to health or a nuisance, they may by notice require the owner or occupier of the premises to drain, cleanse, cover or fill up the pond, pool, ditch, gutter or place, or to construct a proper drain for the discharge of the matter, or to execute such other works as the circumstances may require.

(2) The local authority may contribute towards the expenses incurred by any person in complying with a notice under this paragraph.

(3) Where any works required by a notice under this paragraph interfere with any right to the use of water, the local authority may, with the agreement of the person in whom the right is vested, acquire

from him the right and any land for the benefit of which the right enures instead of compensating him under section 278 of the Public Health Act 1936.

SCH. 11

(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 given under this paragraph.

2.—(1) The Greater London Council may make byelaws in relation to the demolition of buildings in the inner London boroughs—

- (a) requiring the fixing of fans at the level of each floor of any such building undergoing demolition ;
- (b) requiring the hoarding up of windows in any such building from which sashes and glass have been removed ;
- (c) regulating the demolition of internal parts of buildings before any external walls are taken down ;
- (d) requiring the placing of screens or mats, the use of water or the taking of other precautions to prevent nuisances arising from dust ;
- (e) regulating the hours during which ceilings may be broken down and mortar may be shot, or be allowed to fall, into any lower floor ;
- (f) requiring any person proposing to demolish any such building to give to the borough council such notice of his intention to do so as may be specified in the byelaws.

(2) Byelaws under this paragraph may make different provision for different cases, and in particular may provide that, in their application to any area specified in the byelaws, the byelaws shall have effect subject to such modifications or exceptions as may be so specified.

(3) No byelaws under this paragraph shall apply to a building (not being a dwelling-house) belonging to any Board carrying on a railway undertaking and used by that Board as a part of, or in connection with that undertaking.

3. The Greater London Council shall make byelaws with respect to sanitary conveniences, ashpits, cesspools and receptacles for dung and their accessories, in connection with buildings in the inner London boroughs and the Temples, whether constructed before or after 1st April 1965.

4. The Greater London Council shall make byelaws with respect to the construction and use of incinerators for the disposal of refuse in the inner London boroughs, the City and the Temples, being incinerators which are, or are in the nature of, buildings or structures or which form part of a building or structure.

5. It shall be the duty of each local authority to enforce in their district any byelaws under paragraphs 2 to 4 of this Part of this Schedule which are in force in their district.

6. The council of any London borough and the Common Council may make byelaws with respect to the following operations, except when carried out by a local authority (including the Greater London

**SCH. 11** Council) and except so far as byelaws with respect thereto may be made under section 72 or 82 of the Public Health Act 1936, that is to say—

- (a) the removal of refuse from premises in the council's area ;
- (b) the conveyance of refuse by rail, road or water from loading points in that area ;
- (c) the deposit of refuse in premises in that area pending its removal or disposal.

7. Any person who has in his possession or under his control any article of food which is unsound, unwholesome or unfit for human consumption may, by notice to the local authority, specifying and identifying the article, request its removal, and the local authority shall cause it to be removed as if it were trade refuse which they had undertaken to remove under section 73 (1) of the Public Health Act 1936.

8. If the local authority are requested so to do by the occupier of any premises in which there is a person suffering from a notifiable disease, they shall provide for the removal and disinfection or destruction of any rubbish which has been exposed to infection from that disease.

9.—(1) Where it appears to a local authority, being the council of a London borough or the Common Council, that any land within the area of the authority is by reason of its derelict, neglected or unsightly condition detrimental to the amenities of the neighbourhood, the authority may, after serving notice of their proposals on the owner and on the occupier of the land and subject to sub-paragraph (3) of this paragraph, execute such works and do such other things as the authority consider expedient for the purpose of restoring or improving and thereafter preserving the appearance of the land :

Provided that the works and other things which may be required to be executed or done under this paragraph shall not include the erection or maintenance of any building or the doing of anything in or upon any building, but may include the erection or maintenance of a hoarding or fence.

(2) Any person served with a notice under the foregoing sub-paragraph may, if aggrieved by the proposal specified in the notice, appeal to a magistrates' court within the period of twenty-eight days beginning with the date of the service of the notice.

(3) A local authority may proceed with the proposals specified in a notice under sub-paragraph (1) of this paragraph if but only if—

- (a) none of the persons on whom the notice was served has, within the said period of twenty-eight days, taken steps to implement the proposals himself or instituted an appeal against the proposals to a magistrates' court ; or
- (b) any such steps begun to be taken by any such person within that period are not completed within a reasonable time ; or
- (c) any appeal instituted within that period has been dismissed or abandoned or failed for want of prosecution.

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(4) Any expenses incurred by the local authority in removing any materials from any land in exercise of the powers conferred on them by this paragraph and the cost of selling any materials so removed may be deducted by the authority from the proceeds which they are required by section 276 of the Public Health Act 1936 to pay to the person to whom the materials belonged.

(5) The foregoing provisions of this paragraph shall not be construed as prejudicing the powers exercisable by the Greater London Council under section 69 of the London Building Acts (Amendment) Act 1939, or by the council of an outer London borough under section 27 of the Public Health Act 1961, or by the local planning authority under section 89 of the National Parks and Access to the Countryside Act 1949.

10. Without prejudice to paragraph 24 of Part I of this Schedule, expressions used in this Part of this Schedule and the Public Health Act 1936 have the same meanings in this Part of this Schedule as in that Act.

## SCHEDULE 12

Section 52

LICENSING OF PUBLIC ENTERTAINMENTS IN GREATER LONDON  
ON AND AFTER 1ST APRIL 1965*Music and dancing licences*

1.—(1) Subject to sub-paragraph (6) of this paragraph no premises in Greater London, whether or not licensed for the sale of intoxicating liquor, shall be used for any of the following purposes, that is to say, public dancing or music and any other public entertainment of the like kind, except under and in accordance with the terms of a licence granted under this paragraph by the Greater London Council (hereafter in this Schedule referred to as "the Council").

(2) The Council may grant to any applicant therefor and from time to time renew a licence for the use of any premises specified therein for all or any of the purposes aforesaid on such terms and conditions and subject to such restrictions as may be so specified.

(3) Subject to the next following sub-paragraph and to paragraph 19 (3) of this Schedule, a licence granted under this paragraph shall, unless previously cancelled under paragraph 8 or revoked under paragraph 10 (4) of this Schedule, remain in force for one year or for such shorter period specified in the licence as the Council may think fit.

(4) The Council may grant a licence under this paragraph in respect of such one or more particular occasions only as may be specified in the licence, and a licence granted by virtue of this sub-paragraph is hereafter in this Schedule referred to as an "occasional music licence".

(5) Where a licence has been granted under this paragraph to any person, the Council may, if they think fit, transfer that licence to any other person on the application of that other person or the holder of the licence.

## SCH. 12

(6) Sub-paragraph (1) of this paragraph shall not apply to the Theatre Royal Drury Lane, the Royal Covent Garden Opera House, the Theatre Royal Haymarket or the Royal Albert Hall or to any entertainment lawfully held by virtue of letters patent or licence of the Crown or the licence of the lord chamberlain of Her Majesty's household.

2.—(1) An applicant for the grant or transfer of a licence under paragraph 1 of this Schedule in respect of any premises shall give to the Council and to the commissioner of police in whose district the premises are situated not less than twenty-one days' notice of his intention to make the application and furnish such particulars and give such other notices as the Council may by regulations prescribe.

(2) An applicant for the renewal of a licence under the said paragraph 1 shall give to the Council twenty-eight days' notice of his intention to make the application.

(3) In relation to an application for the grant, renewal or transfer of an occasional music licence, the two foregoing sub-paragraphs shall have effect as if for the reference to twenty-one or, as the case may be, twenty-eight days' notice there were substituted a reference to fourteen days' notice and as if the requirement as to notice to the commissioner of police were omitted.

3. The person making an application for the grant, renewal or transfer of a licence under paragraph 1 of this Schedule shall (except where the licence is for an entertainment which in the opinion of the Council is of an educational or other like character or is given for a charitable or other like purpose) on making the application pay to the Council such fee as the Council may fix not exceeding—

- (a) where the application is for the grant or renewal of such a licence for a period of one year, not being an application in respect of such premises as are referred to in sub-paragraph (c) of this paragraph, one pound ;
- (b) where the application is for the grant or renewal of such a licence for any period of less than one year, not being an application in respect of such premises as aforesaid, five shillings for every month or part of a month, so, however, that the aggregate of the fees payable in respect of the same year and the same premises shall not exceed one pound ;
- (c) where the application is in respect of premises for which a licence is for the time being in force under the Cinematograph Act 1909, five shillings for every month or part of a month, so, however, that the aggregate of the fees payable in respect of any licence in respect of those premises under the said paragraph 1 shall not in respect of any one year exceed ten shillings ;



(d) where the application is for the transfer of a licence under the said paragraph 1, five shillings.

SCH. 12

*Boxing and wrestling licences*

4.—(1) This paragraph shall apply to any boxing or wrestling entertainment (that is to say, any public contest, exhibition or display of boxing or, as the case may be, wrestling) which is provided in Greater London other than such an entertainment provided—

- (a) by a travelling showman at a pleasure fair ;
- (b) at the Royal Albert Hall ;
- (c) by members of the Boy Scouts' Association or of any organisation constituted by the Boy Scouts' Association in pursuance of their charter ;
- (d) by any school ; or
- (e) by a bona fide association, club, hospital or society not carried on for profit.

(2) A boxing or wrestling entertainment to which this paragraph applies shall not be given elsewhere than at premises licensed for the purpose in accordance with the provisions of this paragraph and in accordance with the terms of that licence.

(3) The Council may grant to any applicant therefor and from time to time renew a licence to use any premises specified therein for the purpose of a boxing or wrestling entertainment on such terms and conditions and subject to such restrictions as may be so specified.

(4) Subject to the next following sub-paragraph and to paragraph 19 (3) of this Schedule, a licence granted under this paragraph shall, unless previously cancelled under paragraph 8 or revoked under paragraph 10 (4) of this Schedule, remain in force for one year or for such shorter period specified in the licence as the Council may think fit.

(5) The Council may grant a licence under this paragraph in respect of such one or more particular occasions only as may be specified in the licence, and a licence granted by virtue of this sub-paragraph is hereafter in this Schedule referred to as an "occasional sports licence".

(6) Where a licence has been granted under this paragraph to any person, the Council may if they think fit transfer that licence to any other person on the application of that other person or the holder of the licence.

5.—(1) An applicant for the grant, renewal or transfer of a licence under paragraph 4 of this Schedule other than an occasional sports licence shall give to the Council and to the commissioner of police in whose district the premises to which the application relates are situated not less than twenty-one days' notice of his intention to make the application.

## SCH. 12

(2) An applicant for the grant, renewal or transfer of an occasional sports licence shall give to the Council not less than fourteen days' notice of his intention to make the application.

6. The person making an application for the grant, renewal or transfer of a licence under paragraph 4 of this Schedule shall on making the application pay to the Council such fee as the Council may fix not exceeding—

- (a) where the application is for the grant or renewal of a licence for a period of one year, two pounds ;
- (b) where the application is for the grant or renewal of a licence (not being an occasional sports licence) for a period of less than one year, ten shillings for every month or part of a month, so, however, that the aggregate of the fees payable in respect of the same year and the same premises shall not exceed fifty shillings ;
- (c) where the application is for the grant or renewal of an occasional sports licence, ten shillings ;
- (d) where the application is for the transfer of a licence, five shillings.

*Transmission and cancellation of licences*

7. In the event of the death of the holder of a licence granted under paragraph 1 or 4 of this Schedule, then, until a legal personal representative of the deceased holder has been duly constituted, the person carrying on at the premises in respect of which the licence was granted the functions to which the licence relates shall be deemed to be the holder of the licence unless and until it is transferred to some other person.

8. The Council upon receiving from the holder of a licence under paragraph 1 or 4 of this Schedule which is for the time being in force a written request in that behalf accompanied by the licence may cancel the licence.

*Power to impose general terms, conditions and restrictions by regulations*

9.—(1) Subject to the provisions of this Schedule, the Council may make regulations prescribing generally the terms, conditions and restrictions on and subject to which licences under paragraph 1 or 4 of this Schedule may be granted, renewed or transferred and, where any such regulations are made, then, without prejudice to the power of the Council to grant a licence on any special terms or conditions or subject to any special restrictions, every such licence shall be deemed to be granted subject to the regulations.

(2) Prima facie evidence of any regulations under this paragraph may be given in any legal proceedings by the production of a copy purporting to be certified as a true copy by the clerk to the Council or some other officer of the Council authorised to give a certificate for the purposes of this paragraph, and no proof shall be required of the handwriting or official position or authority of any person giving such a certificate.

*Enforcement of paragraphs 1 to 9*

SCH. 12

10.—(1) If at any premises any entertainment in respect of which a licence is required under paragraph 1 or 4 of this Schedule is provided without such a licence being held in respect thereof, then—

- (a) any person concerned in the organisation or management of that entertainment ; and
- (b) any other person who, knowing or having reasonable cause to suspect that such an entertainment would be so provided at those premises—
  - (i) allowed the premises to be used for the provision of that entertainment ; or
  - (ii) let the premises, or otherwise made the premises available, to any person by whom an offence in connection with the entertainment has been committed,

shall be guilty of an offence.

(2) If any premises in respect of which a licence under the said paragraph 1 or 4 is in force are used for any entertainment otherwise than in accordance with the terms, conditions or restrictions on or subject to which the licence is held, then, subject to paragraph 11 of this Schedule—

- (a) the holder of the licence ; and
- (b) any other person who, knowing or having reasonable cause to suspect that the premises would be so used—
  - (i) allowed the premises to be so used ; or
  - (ii) let the premises, or otherwise made the premises available, to any person by whom an offence in connection with that use of the premises has been committed,

shall be guilty of an offence,

(3) Any person guilty of an offence under sub-paragraph (1) or (2) of this paragraph shall be liable on summary conviction to a fine not exceeding two hundred pounds or to imprisonment for a term not exceeding three months or to both.

(4) If the holder of a licence under the said paragraph 1 or 4 is convicted by virtue of sub-paragraph (2) (a) of this paragraph, then, subject to paragraph 19 of this Schedule, the Council may revoke the licence.

11. Where, in the case of any premises in respect of which a licence under paragraph 1 of this Schedule is for the time being in force, a special order of exemption on any special occasion has been granted in respect of those premises under section 107 of the Licensing Act 1953, no person shall be guilty of an offence under paragraph 10 (2) of this Schedule by reason only of those premises being kept open on that special occasion for any of the purposes authorised by the licence after the latest hour so authorised but not later than the hour specified in that special order as the hour for closing.

## SCH. 12

12.—(1) A police constable or any person appointed for the purpose by the Council may at all reasonable times enter any premises in respect of which a licence under paragraph 1 or 4 of this Schedule is for the time being in force at which he has reason to believe that an entertainment to which either of those paragraphs applies is being or is about to be given with a view to seeing whether the provisions of this Schedule applicable to that entertainment and the terms, conditions or restrictions on or subject to which the licence is held are complied with.

(2) A police constable or any person appointed as aforesaid may, if authorised in that behalf by a warrant granted by a justice of the peace, enter any premises in respect of which he has reason to suspect that an offence under this Schedule is being committed.

(3) Any person who refuses to permit any such constable or person to enter or inspect any premises in accordance with the provisions of this paragraph shall for every such refusal be liable on summary conviction to a fine not exceeding twenty pounds.

*Modifications of Theatres Act 1843*

13. References in the Theatres Act 1843 to having or keeping premises for the public performance of stage plays shall, in their application to premises which, by virtue of section 52 (1) of this Act, are for the purposes of that Act under the control of the Council, extend to and be deemed to include references to the using of premises whether on one occasion or on more than one occasion for the public performance of any stage play, and the expressions "have or keep" and "kept open" wherever occurring in that Act shall be construed accordingly.

14. Except in any case in which the Council otherwise require, so much of section 7 of the said Act of 1843 as provides that the actual and responsible manager for the time being of a theatre in respect of which a licence is granted under that Act and two sureties shall become bound in penal sums for the purposes mentioned in that section shall not have effect as respects licences granted by the Council under that Act.

15. In relation to a licence under the said Act of 1843 falling to be granted by the Council, paragraph 9 of this Schedule shall have effect as if for the reference to paragraph 1 or 4 of this Schedule there were substituted a reference to the said Act of 1843, and section 9 of that Act shall not apply.

16.—(1) If the licensee of a theatre licensed by the Council under the said Act of 1843 uses or allows it to be used in contravention of the provisions of that Act or of any term, condition or restriction upon or subject to which the licence is held, he shall be liable on summary conviction to a fine not exceeding fifty pounds.

(2) Subject to paragraph 19 of this Schedule, on the conviction of such a licensee as aforesaid under the foregoing sub-paragraph, the Council may revoke the licence.

*Provisional grant of licences*

SCH. 12

17.—(1) Where application is made to the Council for the grant of a licence under the Theatres Act 1843, the Cinematograph Act 1909 or paragraph 1 or 4 of this Schedule in respect of premises which are to be, or are in the course of being, constructed, extended or altered and the Council are satisfied that the premises would, if completed in accordance with plans deposited in accordance with the requirements of the Council, be such that the Council would grant the licence, the Council may grant the licence subject to a condition that it shall be of no effect until confirmed by the Council.

(2) The Council shall confirm any licence granted by virtue of the foregoing sub-paragraph if and when they are satisfied that the premises have been completed in accordance with the plans aforesaid, or in accordance with those plans as modified with the approval of the Council, and that the licence is held by a fit and proper person.

*Variation of licences*

18. The holder of a licence in respect of any premises—

(a) granted under paragraph 1 or 4 of this Schedule or,

(b) granted by the Council under the Theatres Act 1843 or the Cinematograph Act 1909.

may at any time apply to the Council for such variations of the terms, conditions or restrictions on or subject to which the licence is held as may be specified in the application ; and, subject to paragraph 19 of this Schedule, on any such application the Council may make such variations in any of those terms, conditions or restrictions, whether or not those specified in the application, as they think appropriate or may refuse the application.

*Appeals*

19.—(1) Any of the following persons, that is to say—

(a) an applicant for—

(i) the grant, renewal or transfer of a licence in respect of any premises under paragraph 1 or 4 of this Schedule ;  
or

(ii) the grant of a licence in respect of any premises by the Council under the Theatres Act 1843 ; or

(iii) the variation of the terms, conditions or restrictions on or subject to which any such licence as aforesaid is held,

whose application is refused ;

(b) the holder of any such licence as aforesaid whose licence is revoked by the Council or who is aggrieved by any term, condition or restriction on or subject to which the licence is held,

may at any time before the expiration of the period of twenty-one days beginning with the date when he is notified of the refusal of his application or revocation of his licence, or when the term, condition or restriction becomes operative with respect to his licence,

SCH. 12 as the case may be, appeal to a magistrates' court acting for the petty sessions area in which the premises are situated ; and the court may make such order as it thinks fit and, subject to the next following sub-paragraph, that order shall be binding on the Council.

(2) Any person aggrieved by the order of a magistrates' court on an appeal under the foregoing sub-paragraph may appeal therefrom to a court of quarter sessions.

(3) Where any such licence as aforesaid is revoked under paragraph 10 (4) or 16 (2) of this Schedule or an application for the renewal of a licence under the said paragraph 1 or 4 is refused, the licence shall be deemed to remain in force—

(a) during any period within which an appeal under this paragraph may be brought and, if such an appeal is brought within the relevant period, until the determination or abandonment of the appeal ; and

(b) where such an appeal relating to such a refusal as aforesaid is successful and no further such appeal is available, until the licence is renewed by the Council.

(4) In the case of an appeal in relation to an application of which, in accordance with paragraph 2 (1) or 5 (1) of this Schedule, notice was required to be given to a commissioner of police, notice of that appeal shall be given to that commissioner as well as to any other person to whom it is required to be given apart from this sub-paragraph.

(5) Section 6 of the Cinematograph Act 1952 shall apply in relation to any person aggrieved—

(a) by the refusal of an application in respect of a licence under the Cinematograph Act 1909 made under paragraph 18 of this Schedule ; or

(b) by any term, condition or restriction substituted under that paragraph for any term, condition or restriction on or subject to which that licence was previously held,

as it applies in relation to a person aggrieved as mentioned in subsection (1) of that section.

#### *Interpretation*

20. In this Schedule, the expression "premises" includes any place.

Section 54

### SCHEDULE 13

#### MODIFICATIONS AS FROM 1ST APRIL 1965 OF ENACTMENTS RELATING TO FOOD, DRUGS, MARKETS AND ANIMALS

##### PART I

#### THE DISEASES OF ANIMALS ACT 1950

1. In section 59 (2)—

(a) in paragraph (a), for the words "borough not being (i)" there shall be substituted the words "London borough and as respects any other borough except" ;

- (b) in paragraph (a), the words "or (ii) a metropolitan borough" shall be omitted ;
- (c) in the proviso, for the words "county of London" there shall be substituted the words "whole of Greater London".

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## PART II

## THE FOOD AND DRUGS ACT 1955

2. In section 83 (1) (b), for the words "metropolitan borough" there shall be substituted the words "London borough".

3. In section 135 (1), in the definition of "district", for the words "or any local authority in London" there shall be substituted the words "the City of London or the Inner or Middle Temple".

4. For section 137 (3) there shall be substituted—

"(3) Part III of this Act shall not extend to the City of London, the Inner Temple or the Middle Temple."

5. In Schedule 6, in column 1, for the words "County councils and county borough councils" there shall be substituted the words "Councils of counties, county boroughs and London boroughs and the Common Council of the City of London."

## PART III

## THE SLAUGHTER OF ANIMALS ACT 1958

6. In section 10, for the definition of "local authority" there shall be substituted—

"'local authority' means the council of a borough, or of an urban or rural district or the Common Council of the City of London".

## SCHEDULE 14

Section 62.

## FUNCTIONS AS FROM 1ST APRIL 1965 WITH RESPECT TO LAND DRAINAGE, FLOOD PREVENTION, ETC.

1. Subject to the following provisions of this Schedule, the functions exercisable by the council of a county borough under the Land Drainage Act 1930 and the Land Drainage Act 1961 (hereafter in this Schedule respectively referred to as "the Act of 1930" and "the Act of 1961") shall be exercisable as respects a London borough by the council of the borough and as respects the City by the Common Council, and accordingly references in those Acts to a county borough and the council thereof shall, without prejudice to paragraphs 2 and 4 of this Schedule, be construed as including references respectively to a London borough and the council thereof and the City and the Common Council.

2. Subject as aforesaid, the functions exercisable by the council of a county borough under or by virtue of Part V and section 51 of the Act of 1930 and sections 28 and 34 of the Act of 1961 shall

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## SCH. 14

also be exercisable as respects the metropolitan watercourses by the Greater London Council, and accordingly references in those provisions to a county borough and the council thereof shall, in their application to the metropolitan watercourses, be construed as including references respectively to Greater London and the Greater London Council.

3. The functions exercisable under the Acts of 1930 and 1961 by the council of a London borough or county district or by the Common Council shall, so far as concerns the main metropolitan watercourses, including the banks thereof and drainage works in connection therewith, be exercisable solely by the Greater London Council; and, without prejudice to the foregoing restriction, any provision of the Acts of 1930 and 1961 which precludes or restricts the exercise by a county borough council of any functions with respect to a main river shall apply to the exercise by the council of a London borough or county district or the Common Council of any functions with respect to a main metropolitan watercourse.

4. References to a county borough and the council thereof in section 4(2), 6(4) and 54 of, and paragraph 1 of Part I of Schedule 2 to, the Act of 1930 and in section 17 of the Act of 1961 shall be construed as including references respectively to Greater London and the Greater London Council.

5. Section 78 of the Land Drainage Act 1930 shall cease to have effect, but sections 10, 17 to 19 and 50(1)(a) and (4) of that Act shall not apply in relation to the metropolitan watercourses.

6. The foregoing provisions of this Schedule shall not be construed as applying to any river board area or river authority area a provision of the Act of 1930 which is excluded by paragraph 2 of Schedule 3 to the River Boards Act 1948, or any corresponding provision of the Water Resources Act 1963.

7. Subject to the provisions of paragraph 16 of this Schedule and to any provision made by an order under section 84 or 87 of this Act—

- (a) the functions of the council of any county or county borough under the local enactments relating to the metropolitan watercourses shall instead of being exercisable by that council be exercisable by the Greater London Council, and references in any such enactment to any such council shall be construed accordingly;
- (b) the local enactments relating to so much of the tidal Thames as lies within the existing county of London shall apply to the whole of the tidal Thames (as described in the Table in paragraph 15(1) of this Schedule), and in those enactments references to, or which are to be taken as references to, the county of London shall be construed as references to the London excluded area;
- (c) no functions relating to land drainage, flood prevention and the like matters shall (subject to paragraph 16 of this



Schedule) be exercisable with respect to the tidal Thames by any authority under any local statutory provisions other than the enactments mentioned in sub-paragraph (b) of this paragraph or by virtue only of section 83(3) of the Act of 1930.

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8. Subject to the provisions of section 21 of the Metropolis Management (Thames River Prevention of Floods) Amendment Act 1879 and to any provision made by an order under section 84 or 87 of this Act, the power of the Greater London Council under the said Act of 1879 and the other enactments relating to the tidal Thames to approve, require the execution of and execute flood works for the protection of land from flooding by the river Thames in the London excluded area shall be exercisable by them for the protection of land from flooding by such of the river's associated watercourses as lie within the flow and re-flow of its tides in the Lee catchment area.

9. The River Boards Act 1948 shall have effect subject to the following modifications:—

- (a) until the repeal of that Act by the Water Resources Act 1963 takes effect, any reference to a county borough, whether as such or as a local authority, shall be construed as including a reference to a London borough council and the Common Council;
- (b) in section 9 (5) (so far as applicable by virtue of section 9 (10) to the Conservators of the River Thames and the Lee Conservancy Catchment Board), the reference to local authorities shall, without prejudice to the foregoing sub-paragraph, be construed as including a reference to the Greater London Council, London borough councils and the Common Council.

10. In the Water Resources Act 1963, subject to any provision made by an order under section 84 of this Act—

- (a) references to a county borough and the council thereof shall be construed as including references respectively to a London borough and the council thereof and the City and the Common Council;
- (b) without prejudice to the foregoing sub-paragraph, references to local authorities shall be construed as including references to the Greater London Council, London borough councils and the Common Council;

and the transitional, incidental, supplementary and consequential provisions which may be included in an order under that Act altering the area of a river authority, or designating a new area and establishing a new river authority therefor, or conferring functions on the Conservators of the River Thames or the Lee Conservancy Catchment Board (being an order affecting Greater London or any part thereof) shall include provisions repealing or amending any of the provisions of this Schedule.

## SCH. 14

11. The expenses incurred by the Greater London Council in the discharge of the functions conferred on them by virtue of this Schedule shall be chargeable on the London boroughs falling wholly or partly within the London excluded area and on the City and the Temples, and where part only of a London borough falls within that area those expenses shall be chargeable only on that part of the borough.

12. The expenses so incurred shall be expenses for special London purposes.

13. Where any expenses incurred by the Greater London Council in the discharge of their said functions are by virtue of paragraph 11 of this Schedule chargeable on part of a London borough, any payments made by the council of that borough for meeting precepts for defraying expenses incurred by some other body of persons in the discharge of the like functions with respect to another part of the borough shall be chargeable only on that other part of the borough or such part thereof as the council of that borough shall determine under section 23 of the Act of 1930 (whether as originally enacted or as applied by any other enactment).

14. Paragraphs 11 to 13 of this Schedule shall have effect subject to section 67 of this Act.

15.—(1) Subject to the provisions of any order under the next following sub-paragraph, in this Schedule—

“the metropolitan watercourses” means the watercourses described in column 1 of the following Table ;

“the main metropolitan watercourses” means the tidal Thames and the watercourses mentioned by name in paragraphs 2 to 4 of that Table ;

“the tidal Thames” means the watercourses described in paragraph 1 of that Table ;

“local enactment” means, in relation to any watercourse, the enactments specified in relation thereto in column 2 of that Table :

## TABLE

|                                                                                                                                                                                            |                                                                                                                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| 1. So much of the river Thames as lies within the London excluded area, including all its associated watercourses within the flow and reflow of its tides in that area.                    | The Thames River (Prevention of Floods) Acts 1879 to 1962 and section 14 of the London County Council (General Powers) Act 1932. |
| 2. The river Ravensbourne, the Chaffinch Brook, the Beck River, the Pool River, the Quaggy River, the Kid Brook, the Kyd Brook and the Lower Kid Brook, and their associated watercourses. | The River Ravensbourne, &c. (Improvement and Flood Prevention) Act 1961.                                                         |

3. The Beverley Brook, the river Graveney, the Pyl Brook and the river Wandle, and their associated watercourses.

Part II of the Surrey County Council Act 1925, section 15 of the Surrey County Council Act 1931, Part II of the Surrey County Council Act 1936 and the London and Surrey (River Wandle and River Graveney) (Jurisdiction) Act 1960.

4. The river Brent, the river Crane and the Duke of Northumberland's river, and their associated watercourses.

Part V of the Middlesex County Council Act 1944.

(2) The Minister of Agriculture, Fisheries and Food may, after consultation with the Greater London Council and the council of any London borough or county district appearing to him to be affected, by order provide that—

- (a) the whole or any part of a watercourse within the London excluded area shall become a metropolitan watercourse ;  
or
- (b) the whole or any part of a watercourse other than the tidal Thames shall cease to be a metropolitan watercourse ;  
or
- (c) the whole or any part of a metropolitan watercourse shall become or cease to be a main metropolitan watercourse.

(3) In this Schedule—

“ associated watercourse ” in relation to any river means a tributary or other watercourse the water from which ultimately flows into, or which is directly or indirectly connected with, that river ;

“ banks ” has the same meaning as in the Land Drainage Act 1930 ;

“ flood works ”, in relation to the tidal Thames, has the same meaning as in the local enactments relating thereto ;

“ London excluded area ” means so much of Greater London, and of any area adjoining Greater London, as does not lie within the Thames catchment area, the Lee catchment area or the area of any river board or river authority ;

“ public sewer ” has the same meaning as in the Public Health Act 1936 ;

“ watercourse ” includes all rivers, streams, ditches, drains, cuts, culverts, dykes, sluices, sewers and passages through which water flows, except that it does not include so much of any public sewer as lies outside the flow and re-flow of the tides ;

and any reference in this Schedule to a particular river does not include a reference to so much of the river as is a public sewer and lies outside the flow and re-flow of the tides, and any mention of a particular river shall not be construed as prejudicing the meaning of the expression “ associated watercourse ”.

## SCH. 14

16. Paragraph 7(a) and (b) of this Schedule and so much of paragraph 15 thereof as relates to the said paragraph 7(a) and (b) shall not be construed as extending or restricting the application of any of the local enactments relating to the tidal Thames to property for the time being held for the purposes of their undertaking by the Port of London Authority or as extending or restricting the functions of that Authority; and the other provisions of this Schedule shall not apply to any property for the time being so held or affect any functions of that Authority.

Sections 44  
and 63.

## SCHEDULE 15

MODIFICATIONS AS FROM 1ST APRIL 1965 OF RATING AND  
VALUATION ENACTMENTS

## PART I

## THE RATING AND VALUATION ACT 1925

1. For section 1 (1) there shall be substituted—

“(1) The council of every county borough, London borough and county district shall be the rating authority for the borough or district, and the rating authority—

(a) for the City of London shall be the Common Council; and

(b) for the Inner Temple and the Middle Temple shall be the Sub-Treasurer and the Under-Treasurer thereof respectively,

and no authority or person other than the rating authority shall have power to make or levy any rate within any rating area.”

2.—(1) The provisions of section 2 other than subsections (4) and (7) shall not apply to the City or the Temples.

(2) In section 2 (6), after the words “rating authority” there shall be inserted the words “in the case of the council of a London borough as part of the general rate and in any other case”.

3.—(1) Section 4 (1) shall not apply to the City.

(2) At the end of section 4 (4) there shall be added—

“Provided that, in relation to any rate to which section 177 of the City of London Sewers Act 1848 (which relates to the rating of empty houses in the City of London) applies, this subsection shall have effect subject to the provisions of the said section 177, and any amount in respect of any such rate which any person is required by that section to pay or allow in respect of any period during which a hereditament is unoccupied shall be allowed to the rating authority in computing any sum which that person is entitled to recover from the authority in respect of that hereditament under this subsection.”

4. Sections 6, 7 and 8 shall not apply to the City.

5.—(1) Section 9 (1) shall not apply to Greater London.

(2) Section 9 (2) to (5) shall apply in relation to Greater London as if the Greater London Council were the council of a county.

(3) In the application of section 9 (2) (b) to the City, for references to the general rate there shall be substituted references to the poor rate.

(4) Section 9 (3) shall apply to Greater London as if for the reference to the commencement of the said Act of 1925 there were substituted a reference to 31st March 1965.

6. Section 10 (1) and (2) shall not apply to the City or the Temples.

7. In the application of section 11 to the Temples, for any reference to a resolution of the rating authority there shall be substituted a reference to an order of the rating authority.

8. Section 12 shall not apply to the Temples.

9. In the application of section 21 (1) to Greater London, the words "or other area which is liable to be changed separately in respect of any expenses" (being words inserted by paragraph 1 of Schedule 4 to the Rating and Valuation Act 1961) shall be omitted.

10. Section 54 (1) shall not apply to the City or the Temples, but—

(a) the accounts of the Common Council so far as they relate to the poor rate levied in the City ; and

(b) the accounts of the Sub-Treasurer of the Inner Temple or the Under-Treasurer of the Middle Temple so far as they relate to any rate in the nature of a general rate levied in the Inner Temple or the Middle Temple, as the case may be,

shall be subject to audit by a district auditor under Part X of the Local Government Act 1933.

11. In section 64, paragraphs (b) to (e) of subsection (1), the proviso to subsection (1), and subsection (2) shall not apply to an inner London borough, the City or the Temples.

12. In section 68 (1), in the definition of "urban rating area", for the words "or an urban district" there shall be substituted the words "non-county borough or urban district or a rating area in Greater London".

13. In section 68, at the end there shall be added—

"(5) Subsection (4) of this section shall not apply to Greater London, but any reference to a parish in this or any other Act, whether passed before or after this Act, shall, unless the contrary intention appears, be construed in relation to Greater London as a reference to a rating area and, in the case of an enactment relating to rating or valuation, as including a reference to any part of a rating area which is subject (otherwise than in respect of a garden or square or by reason of any provision of the City of London (Tithes and Rates) Act 1910 or the City of London (Tithes) Act 1947) to separate or differential rating."

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## PART II

*Modifications of Act of 1925 and other enactments*

14. Without prejudice to any modification having effect by virtue of Part I or Part III of this Schedule, any reference to a general rate in any enactment relating to rating and valuation, including the Rating and Valuation Act 1925, shall, in relation to the City, include a reference to a poor rate and, in relation to the Temples, be construed as a reference to any rate in the nature of a general rate levied in the Inner Temple or the Middle Temple, as the case may be.

15.—(1) Without prejudice to the operation of any other enactment relating to the recovery of rates, where—

(a) any hereditament in a rating area in Greater London is occupied upon terms which provide that the owner shall pay the general rate charged on that hereditament; and

(b) the occupier of the hereditament would in any proceedings against him by the rating authority to enforce payment of that rate be entitled to claim diplomatic immunity,

the owner shall be liable to pay to the rating authority an amount equal to so much of any payment in respect of rent received by him from the occupier as represents the proportion of rate included in that payment, and that amount may be recovered from the owner in the same manner and subject to the same conditions as rates recoverable from the occupiers of rated hereditaments.

(2) In this paragraph—

(a) the expression “diplomatic immunity” means immunity from suit and legal process which is accorded by law to an envoy or other public minister of a foreign sovereign power accredited to Her Majesty, or to the family or official or domestic staff of such an envoy or minister or to the families of any such staff, and includes any like immunity and any exemption or relief from rates which is conferred on any person or organisation by or under the International Organisations (Immunities and Privileges) Act 1950 or the Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act 1952;

(b) the expression “owner” in relation to a hereditament includes any person who receives any rent of the hereditament whether on his own account or as agent or trustee for another person.

## PART III

*Modifications of enactments other than Act of 1925*

16. Section 177 of the City of London Sewers Act 1848 shall not apply to any hereditament in the City so long as an undertaking in respect of that hereditament is in force under section 11 (2) (a) of the Rating and Valuation Act 1925.

17. Sections 10 and 12 of the London Government Act 1899 and any scheme under the said section 10 shall cease to have effect.

18. In section 117 (8) of the Local Government Act 1929, for the words from "county borough" onwards there shall be substituted the words "rating area in which that parish or other area is situated, to be credited to that parish or other area".

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19.—(1) Section 45 of the Local Government Act 1948 shall apply in relation to Greater London as if Greater London were a county and the Greater London Council were the council of that county, and shall have effect subject to the following provisions of this paragraph.

(2) It shall be the duty of the Greater London Council and of the council of each of the counties of Essex, Hertfordshire, Kent and Surrey to make and submit to the Minister not later than 30th June 1966 a scheme for the constitution of one or more local valuation panels for the area of, or for areas which together comprise the whole of, Greater London or, as the case may be, the county review area of that county; and any such scheme shall be treated for all purposes as having been made and submitted to the Minister under subsection (1) of the said section 45.

(3) Any such scheme approved by the Minister under subsection (3) of the said section 45 shall not come into operation until 1st April 1967.

(4) Any scheme under the said section 45 for the constitution of local valuation panels for an area abolished or altered by this Act, being a scheme in force immediately before 1st April 1965, shall, notwithstanding the abolition or alteration of that area, but subject to subsection (5) of that section, continue in force until 1st April 1967 and then expire.

(5) Any vacancy occurring before 1st April 1967 in the membership of a local valuation panel constituted under a scheme continued in force by the last foregoing sub-paragraph shall—

- (a) if the area for which the panel is constituted falls wholly within Greater London, be filled by a person appointed by the Greater London Council;
- (b) if the said area falls wholly within the county review area of one of the said counties aforesaid, be filled by a person appointed by the council of that county;
- (c) in any other case, be filled by a person appointed jointly by those of the said councils within whose areas or county review areas any part of the area for which the panel is constituted falls.

20. Section 69 of the said Act of 1948 shall have effect as if the Greater London Council were a county council.

21. In section 144 (1) of the said Act of 1948, in the definition of "local authority", for the words "metropolitan borough" there shall be substituted the words "London borough".

22. In section 13 (2) of the Rating and Valuation Act 1961, for the words "metropolitan borough" there shall be substituted the words "London borough", and after the words "parish meeting" there shall be inserted the words "the Greater London Council".

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## SCH. 15

23. In section 18(2)(d) of the said Act of 1961, after the words "each county borough" there shall be inserted the words "to each rating area in Greater London", and after the word "borough" in the second and third places where it occurs there shall be inserted the words "rating area".

24. In the application of section 22 (3) of the said Act of 1961 to Greater London, the definition of "parish" shall be omitted.

25. In section 24 (4) of the said Act of 1961, after the word "counties" there shall be inserted the words "the Greater London Council, the councils of London boroughs".

26. In Schedule 4 to the Licensing Act 1961, in paragraph 2 (5) (a), for the words "urban parish" there shall be substituted the words "urban rating area within the meaning of the Rating and Valuation Act 1925".

## Section 70.

## SCHEDULE 16

## DETERMINATION OF ADDITIONAL RATE BURDEN

1. There shall be determined—

- (a) the amount in the pound for which the county council would have to precept for the year 1964-65 in order to cover the net expenditure of that council for general county purposes ;
- (b) the amount in the pound for which that council would have had to precept for that year in order to cover that expenditure if the changes taking place under this Act on 1st April 1965 had taken place on 1st April 1964.

2. If the amount determined under paragraph 1 (b) of this Schedule exceeds that determined under paragraph 1 (a) thereof, there shall be calculated the amount representing the estimated penny rate product for the county for the year 1965-66 multiplied by the number of pence in that excess.

3.—(1) Subject to sub-paragraph (2) of this paragraph, there shall be determined as respects each rating area or part of a rating area in the county council's county review area—

- (a) the amount in the pound for which the county council would have to precept in the year 1964-65 in order to cover the net expenditure of that council for special county purposes chargeable on that rating area or part ;
- (b) the amount in the pound for which that council would have had to precept in that year in order to cover that expenditure if the changes taking place under this Act on 1st April 1965 had taken place on 1st April 1964.

(2) In relation to—

- (a) the Hertfordshire county council and the urban district of Potters Bar ; and
- (b) the Surrey county council and the urban districts of Staines and Sunbury-on-Thames,

for the purposes of the determination under paragraph (a) of the foregoing sub-paragraph, references in that paragraph to the



county council shall be construed as references to the Middlesex county council and there shall be left out of account any expenditure to which section 93 (1) of the Middlesex County Council Act 1944 applies.

4. If in the case of any rating area or part of a rating area the amount determined under paragraph 3 (1) (b) of this Schedule exceeds that determined under paragraph 3 (1) (a) thereof, there shall be calculated the amount representing the estimated penny rate product for the year 1965-66 for that rating area or part multiplied by the number of pence in that excess.

5. The amount, if any, of the additional rate burden of the county consequential on this Act shall be determined by adding together the amounts, if any, calculated under paragraphs 2 and 4 of this Schedule for the county and for each respectively of the rating areas or parts of rating areas within the county council's county review area.

6. The Minister may make regulations, which shall be subject to annulment in pursuance of a resolution of either House of Parliament—

- (a) as to the manner in which, the assumptions on which, and the person by whom, any amount is to be determined under this Schedule ;
- (b) requiring the county council and any rating authority concerned to furnish the person aforesaid with such information or estimates as he may reasonably require ;
- (c) requiring the person aforesaid to consider any representations as to the determination of any amount which may be made to him by the county council or any such rating authority or by the Greater London Council or any rating authority in Greater London ;
- (d) as to the manner in which any payment by the Greater London Council under section 70 (1) of this Act is made ;

and any such regulations may contain such provisions as appear to the Minister to be necessary or expedient for the purposes of the said section 70 and this Schedule in consequence of any changes in the area, status or functions of local authorities or generally for the purpose of giving effect to the said section 70 and this Schedule.

7. Section 144 (3) and (4) of the Local Government Act 1948 shall have effect for the purposes of the said section 70 and this Schedule as they have effect for the purposes of that Act.

#### SCHEDULE 17

Section 83

##### MISCELLANEOUS MODIFICATIONS OF ENACTMENTS AS FROM 1ST APRIL 1965

1. In the Highways and Locomotives (Amendment) Act 1878, in section 26, for the words from the beginning to "and" where first occurring there shall be substituted the words "The council of a county or county borough may, with respect to all or any of the highways in their county or borough, and the Greater London

SCH. 17 Council, the council of a London borough or the Common Council of the City of London may, with respect to all or any of the highways for which they are the highway authority, make and”.

2. The Local Government Act 1888 shall have effect subject to the following modifications, that is to say—

(a) section 20 (3) shall apply—

(i) to the Greater London Council and Greater London ; and

(ii) to the council of a London borough and their borough ; and

(iii) to the Common Council and the City, as it applies to a county council and their county ; and any sums received by the Greater London Council by virtue of an Order under section 20 (3) by way of the proceeds of local taxation licence duties shall be applicable to general London purposes ;

(b) any powers, duties or liabilities within the City which immediately before 1st April 1965 were by virtue of section 41 (1) (b) powers, duties or liabilities of the London county council shall become powers, duties or liabilities of the Common Council.

3. In the Telegraph Act 1892, in section 5 (2)—

(a) for the words “London of the county council” there shall be substituted the words “Greater London of the Greater London Council” ;

(b) for the word “London” in the second place where it occurs there shall be substituted the words “Greater London” ; and

(c) after the words “which the” there shall be inserted the words “Greater London Council”.

4. In the Canals Protection (London) Act 1898, in section 7, for the words “the administrative county of London” there shall be substituted the words “Greater London”.

5. In the Alkali, &c. Works Regulation Act 1906, in section 27 (1), at the end of the definition of “sanitary authority” there shall be added the words “other than the Greater London Council”.

6. In the Local Government Act 1929, in section 115 (7)—

(a) for the words “the county of London” there shall be substituted the words “Greater London” ;

(b) for the words “metropolitan borough” in both places where they occur there shall be substituted the words “London borough”.

7. In the London Passenger Transport Act 1933, in section 107 (1), in the definition of “Special Area” for the words from “so” onwards there shall be substituted the words “the London special area as defined by section 252 (1) of the Road Traffic Act 1960”.

8. For the purposes of section 1 (1) (a) of the Acquisition of Land (Authorisation Procedure) Act 1946 this Act shall be deemed to be an enactment in force immediately before the commencement of that Act. SCH. 17

9. In the Civic Restaurants Act 1947—

(a) for section 1 (1) (a) there shall be substituted—

“(a) in Greater London, the council of a London borough or the Common Council of the City of London ;”

(b) in section 4 (3), for the words “metropolitan borough” there shall be substituted the words “London borough”.

10. In section 1 (1) of the Prevention of Damage by Pests Act 1949—

(a) for the words “metropolitan boroughs” there shall be substituted the words “London boroughs” ;

(b) in paragraph (b) of the proviso, after the word “county” there shall be inserted the words “or in the Greater London Council”.

11. In the Rag Flock and Other Filling Materials Act 1951, in section 35, for the definition of “local authority” there shall be substituted the following—

“‘local authority’ means the council of a borough or of an urban or rural district or the Common Council of the City of London”.

12. In any part of Greater London which is an excluded area within the meaning of the Rivers (Prevention of Pollution) Acts 1951 to 1961 and which does not fall within the Thames catchment area or the Lee catchment area, the functions of the Greater London Council shall include the enforcement of those Acts.

13. In the Local Government (Miscellaneous Provisions) Act 1953—

(a) in section 2 (2) (a), after the word “borough” there shall be inserted the words “or London borough, or the Common Council of the City of London” ;

(b) in section 2 (2) (c), for the words from “metropolitan” to “London” there shall be substituted the words “county district”.

14. In the Licensing Act 1953—

(a) any reference to the administrative county of London shall be construed as a reference to the area which immediately before 1st April 1965 was comprised in that county ;

(b) in paragraph 11 (c) of Schedule 7, for the words “appointed by the London County Council” there shall be substituted the words “appointed one each by the councils of the inner London boroughs” ;

## SCH. 17

(c) in paragraph 11 (d) of Schedule 7, for the words from "appointed" (in the second place where that word occurs) onwards there shall be substituted the words "appointed by the Common Council of the City of London";

(d) in paragraph 12 of Schedule 7—

(i) for the words "the London County Council" there shall be substituted the words "the councils of the inner London boroughs";

(ii) after the word "specify" there shall be inserted the words "and, in the case of the members referred to in the said sub-paragraph (c), any such order may make provision for that lower number of those members to be appointed by the councils aforesaid in such manner as the order may specify".

15. In the Auxiliary Forces Act 1953, in paragraph 1 (f) of Schedule 1—

(a) sub-paragraph (i) from "including" onwards and sub-paragraph (ii) from "or, if" onwards shall be omitted;

(b) after sub-paragraph (v) there shall be inserted—

"(vi) if that area consists of or comprises the whole or any part of Greater London, a London borough or the City of London, of representatives of the Greater London Council and of the council of that borough or the Common Council, as the case may be, and, if that area consists of or comprises the whole or any part of the Inner London Education Area, of a representative of the Inner London Education Authority in addition to representatives of the Greater London Council."

16. In the Housing Repairs and Rents Act 1954, in section 33 (1) (a) for the words "metropolitan borough" there shall be substituted the words "London borough, the Greater London Council".

17. In the Nurses Agencies Act 1957, in section 2(1), for the words from "the remainder" to "or any" there shall be substituted "any county or to any London or".

18. In the Local Government Act 1958—

(a) in section 55 (1), for the words "The council of any county or county borough" there shall be substituted the words "Any of the following councils, that is to say, the council of any county, county borough or London borough, the Common Council of the City of London and the Greater London Council":

(b) in section 58 (3), for the words "metropolitan borough" there shall be substituted the words "London borough and the Greater London Council";

(c) in paragraph 2 (5) of Schedule 8, for the words "or county borough council" there shall be substituted the words "county borough or London borough council or the Common Council of the City of London".

19. In section 20 (4) (b) of the Rent Act 1957, the reference to the local authority shall, in the case of houses the construction of which was promoted either by the London county council or by the Greater London Council or in respect of which improvement grants were made by either of those councils under the Housing Act 1949 or the Housing (Financial Provisions) Act 1958, be construed as a reference to the Greater London Council.

20. In the Town and Country Planning Act 1959—

- (a) the Greater London Council and the London borough councils shall be included among the authorities to whom Part II of that Act applies ;
- (b) in section 57 (11), for the words “ the administrative county of London ” there shall be substituted the words “ Greater London ”.

21.—(1) In the Caravan Sites and Control of Development Act 1960—

- (a) Part I shall extend to the whole of Greater London ;
- (b) in section 29 (1), in the definition of “ local authority ”, after the word “ district ” there shall be inserted the words “ the Common Council of the City of London ”.

(2) Subject to sub-paragraphs (3) and (4) of this paragraph, where in the case of any land in the area of the existing county of London a licence granted with or without conditions under section 22 of the London County Council (General Powers) Act 1959 was in force in relation to that land immediately before 1st April 1965, then—

- (a) until the expiration of the period of two months beginning with the date when that licence would have expired if this Act had not been passed, and
- (b) if by the expiration of that period the occupier of that land has duly made an application for a site licence in respect of that land under the said Part I, but that site licence has not yet been issued, until the date when such a site licence is first issued in respect of that land,

the licence under the said section 22 shall be deemed to be a site licence under the said Part I granted for an unlimited period, but subject to the same conditions (if any) as the licence under the said section 22, by the council of the London borough in which that land is situated.

(3) Where in the case of any such land as aforesaid no occupier thereof at any time since the grant of the licence under the said section 22 has been entitled to the benefit of a permission for the use of the land as a caravan site granted under Part III of the Town and Country Planning Act of 1947 or of 1962 otherwise than by a development order, paragraph (b) of the last foregoing sub-paragraph shall not apply to that land but—

- (a) if before the expiration of the period referred to in paragraph (a) of that sub-paragraph the occupier of the land

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duly makes an application for a site licence in respect of that land under the said Part I, then, so long as the conditions, if any, attached to the licence under the said section 22 are complied with, no offence shall be committed under section 1 of the said Act of 1960 in respect of the land at any time after the expiration of that period and before such a licence is first issued in respect of the land ; and

- (b) section 17 of the said Act of 1960 shall apply to that land as if the land were an existing site within the meaning of that Act and as if any reference in that section to the commencement of that Act were a reference to the date referred to in the said paragraph (a).

(4) Where in the case of any such land as aforesaid such permission as aforesaid for the use of that land as a caravan site has been granted in terms such that it will expire at the end of a specified period, nothing in sub-paragraph (2) of this paragraph shall cause any licence in respect of that land under the said section 22 to continue in force after the end of that period.

(5) In this paragraph, the expressions "caravan site" and "occupier" have the meanings respectively assigned by section 1 of the said Act of 1960.

22. In the Factories Act 1961—

- (a) in section 42(4), for the words "outside London" there shall be substituted the words "outside Greater London or in any outer London borough";
- (b) in section 46(7), for the words "the Administrative County of London" there shall be substituted the words "Greater London other than the outer London boroughs" and for the words "London County Council" there shall be substituted the words "Greater London Council".

23. In the Consumer Protection Act 1961, in section 6 (3) (b) and in paragraph 7 of the Schedule, after the word "Wales" there shall be inserted the words "outside Greater London".

24. In the Licensing Act 1961, for section 8 (1) (a) there shall be substituted—

- "(a) Schedule 12 to the London Government Act 1963".

25. In the Trustee Investments Act 1961—

- (a) in section 11 (4) (a), after the word "London" there shall be inserted the words "the Greater London Council"; and
- (b) in paragraph 4 of Part IV of Schedule 1, in the definition of "local authority", after the word "London" there shall be inserted the words "the Greater London Council".

26. In the Transport Act 1962—

- (a) in section 46 (8) (a), for the words "London County Council, the council of any metropolitan borough," there shall be substituted the words "Greater London Council, the council of any London borough";

- (b) in section 87, any reference to the administrative county of London shall be construed as a reference to Greater London other than the outer London boroughs, and in subsection (1) thereof, except in relation to proposals submitted thereunder to the Minister before 1st April 1965, the reference to the London county council shall be construed as a reference to the Greater London Council ;
- (c) in section 92 (1), in the definition of " the London Special Area ", for the words from " means " onwards there shall be substituted the words " has the meaning assigned by section 252 (1) of the Road Traffic Act 1960 ".
27. In the Local Government (Records) Act 1962—
- (a) in section 2 (6), for the words " or county borough " there shall be substituted the words " county borough or London borough, to the Greater London Council " ;
- (b) in section 8 (1), in the definition of " local authority ", for the words " metropolitan borough " there shall be substituted the words " London borough " and after the words " county district " there shall be inserted the words " or the Greater London Council ".
28. In the Betting, Gaming and Lotteries Act 1963—
- (a) in paragraph 1 (1) (a) of Schedule 2, for the words " or county borough " there shall be substituted the words " county borough or London borough " ;
- (b) in paragraph 1 of Schedule 3, after the words " of this Schedule ", there shall be inserted the words " elsewhere than in Greater London " ;
- (c) in paragraph 2 of Schedule 1, paragraphs 5 and 6 of Schedule 3, paragraph 9 (a) of Schedule 6, and paragraph 1 (2) (a) of Schedule 7, for the words " metropolitan borough " wherever those words occur there shall be substituted the words " London borough ".
29. The following enactments shall cease to have effect—
- (a) section 29 of the London Hackney Carriages Act 1843 ;
- (b) in the Metropolitan Streets Act 1867, sections 10 to 16 and 18 ;
- (c) the Racecourses Licensing Act 1879 ;
- (d) the Metropolitan Streets Act 1903 ;
- (e) section 4 of the London Cab and Stage Carriage Act 1907 ;
- (f) any provision of the Public Health (London) Act 1936 not already superseded by the provision of Parts V and VI of this Act ;
- (g) section 14 (3) of the Statistics of Trade Act 1947 ;
- (h) in the Home Safety Act 1961, section 1 (4) from " or metropolitan " onwards.

## SCHEDULE 18

## REPEALS

## PART I

## ENACTMENTS REPEALED AS FROM PASSING OF THIS ACT

| Chapter                       | Short Title                                              | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------------------------------|----------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 23 & 24 Geo. 5.<br>c. 51.     | The Local Government Act 1933.                           | <p>In section 3 (2), the words "or ceases to be qualified".</p> <p>In section 5 (2), the words "or ceases to be qualified".</p> <p>In section 18 (2), the words "or ceases to be qualified".</p> <p>In section 20 (1), the words "or ceases to be qualified".</p> <p>In section 67 (4), the words "of an".</p> <p>In section 67 (5), the words "of an".</p> <p>In section 157 (1), the words "under this or any other public general Act".</p> <p>In section 158 (1), the words "by this or any other public general Act".</p> |
| 11 & 12 Geo. 6.<br>c. 65.     | The Representation of the People Act 1948.               | <p>Section 59.</p> <p>In section 75 (1) (a), in subparagraph (i), the words "except London" and subparagraph (ii).</p> <p>In section 77 (1), the definition of "borough" and in the definition of "electoral area" the words "or the London Government Act 1939".</p>                                                                                                                                                                                                                                                          |
| 12, 13 & 14<br>Geo. 6. c. 66. | The House of Commons (Redistribution of Seats) Act 1949. | <p>In section 3 (2), the words from "and (b)" onwards.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 12, 13 & 14<br>Geo. 6. c. 68. | The Representation of the People Act 1949.               | <p>In section 5 (5) (b), the words "expressed by the Act creating it to be".</p> <p>Section 11 (2) (e).</p> <p>In section 22, in subsection (1), the words "other than metropolitan borough councillors", and subsection (2).</p> <p>In section 26 (4), the words "other than a metropolitan borough".</p> <p>In section 27 (6), the words from "or" onwards.</p> <p>Section 28.</p>                                                                                                                                           |



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| Chapter                                 | Short Title                                            | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-----------------------------------------|--------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12, 13 & 14<br>Geo. 6. c. 68.<br>—cont. | The Representation of<br>the People Act 1949<br>—cont. | <p>In section 29 (2), the words “other than a metropolitan borough”.</p> <p>Section 35 (3).</p> <p>In section 36 (2), the words “or section forty-seven of the London Government Act 1939”.</p> <p>In section 83 (1) (a), the words “except in London”.</p> <p>In the local elections rules in Schedule 2, rule 3 (3); in rule 4 (1) (b) and (2), the words “except London”; in rule 6 (1), the words from “except” to “councillors”; in rule 6 (3), the words “except London”; in rule 6 (4), the words “of London county councillors or”; in rule 8 (2), the words “except London”; rule 8 (3); in rule 13 (4), the words “except London”; in rule 13 (5) the words “or London county councillors” and “or chairman of the London County Council, as the case may require”; rule 26 (2) and (3); in rule 31 (b) (ii), the words from “<i>In London</i>” onwards; rule 41 (b); in rule 47, the words “other than a London county councillor”.</p> <p>In Schedule 8, so much of the Table in paragraph 5 (1) as relates to the London Government Act 1939.</p> |
| 4 & 5 Eliz. 2.<br>c. 43.                | The Local Government<br>Elections Act 1956.            | In section 6 (1), in paragraph (a) the words “outside the administrative county of London”, and paragraph (b).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 5 & 6 Eliz. 2.<br>c. 20.                | The House of Commons<br>Disqualification Act<br>1957.  | In Part III of Schedule 1, both in its application to the House of Commons of the Parliament of the United Kingdom and in its application to the Senate and House of Commons of Northern Ireland, in the entry relating to local government officers, the words “outside London”.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

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| Chapter                  | Short Title                    | Extent of Repeal                                                                                                                                                                                                                                                            |
|--------------------------|--------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6 & 7 Eliz. 2.<br>c. 55. | The Local Government Act 1958. | Section 17 (4).<br>Section 28 (6).<br>Section 31 (3).<br>Section 33 (3).<br>Section 35 (4).<br>In section 53, in subsection (1) the words from " Subject " to " section " and subsection (2).<br>In section 66 (1), the definition of " metropolitan area ".<br>Schedule 5. |

## PART II

## ENACTMENTS REPEALED AS FROM 1ST APRIL 1965

| Chapter                  | Short Title                                                                       | Extent of Repeal                                                                                                                                                                |
|--------------------------|-----------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 25 Geo. 2<br>c. 36.      | The Disorderly Houses Act 1751.                                                   | Sections 2 to 4.                                                                                                                                                                |
| 57 Geo. 3.<br>c. xxix.   | An Act for better paving, improving and regulating the streets of the metropolis. | The whole Act.                                                                                                                                                                  |
| 5 & 6 Will. 4.<br>c. 50. | The Highway Act 1835.                                                             | In section 112, the words from " the powers " where first occurring to " therein, or ".                                                                                         |
| 6 & 7 Vict.<br>c. 86.    | The London Hackney Carriages Act 1843.                                            | Section 29.                                                                                                                                                                     |
| 15 & 16 Vict.<br>c. 85.  | The Burial Act 1852.                                                              | Sections 2 to 9.<br>Sections 10 to 40, 42 to 44, and 50, so far as relating to Greater London.<br>Sections 53 and 54.<br>Schedules (A) and (B).                                 |
| 16 & 17 Vict.<br>c. 134. | The Burial Act 1853.                                                              | In section 1, so far as relating to Greater London, the words from " for the protection " to " prohibited, or that " and from " that no new burial " to " case may require ) ". |
| 17 & 18 Vict.<br>c. 87.  | The Burial Act 1854.                                                              | Sections 6 and 8, so far as relating to Greater London.<br>Section 9.<br>The whole Act so far as relating to Greater London.                                                    |

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| Chapter                  | Short Title                                                     | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                        |
|--------------------------|-----------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 18 & 19 Vict.<br>c. 120. | The Metropolis Management Act 1855.                             | Sections 120 and 130.                                                                                                                                                                                                                                                                                                                                                                                   |
| 18 & 19 Vict.<br>c. 128. | The Burial Act 1855.                                            | Sections 3 to 7 and 9 to 17, so far as relating to Greater London.<br>In section 18, so far as relating to Greater London, the words "burial board or", in the second place where they occur, the words "as the case may be", in the second place where they occur, and the words "or burial ground", in the third place where they occur.<br>Sections 19 and 20, so far as relating to Greater London. |
| 20 & 21 Vict.<br>c. 35.  | The City of London Burial Act 1857.                             | The whole Act.                                                                                                                                                                                                                                                                                                                                                                                          |
| 20 & 21 Vict.<br>c. 81.  | The Burial Act 1857.                                            | The whole Act, so far as relating to Greater London, except sections 23 to 25.                                                                                                                                                                                                                                                                                                                          |
| 23 & 24 Vict.<br>c. 64.  | The Burial Act 1860.                                            | The whole Act, so far as relating to Greater London.                                                                                                                                                                                                                                                                                                                                                    |
| 30 & 31 Vict.<br>c. 134. | The Metropolitan Streets Act 1867.                              | Sections 10 to 16 and 18.                                                                                                                                                                                                                                                                                                                                                                               |
| 31 & 32 Vict.<br>c. 122. | The Poor Law Amendment Act 1868.                                | Section 29.                                                                                                                                                                                                                                                                                                                                                                                             |
| 32 & 33 Vict.<br>c. 67.  | The Valuation (Metropolis) Act 1869.                            | The whole Act.                                                                                                                                                                                                                                                                                                                                                                                          |
| 34 & 35 Vict.<br>c. 33.  | The Burial Act 1871.                                            | The whole Act, so far as relating to Greater London.                                                                                                                                                                                                                                                                                                                                                    |
| 37 & 38 Vict.<br>c. 54.  | The Rating Act 1874.                                            | Section 12.                                                                                                                                                                                                                                                                                                                                                                                             |
| 38 & 39 Vict.<br>c. 17.  | The Explosives Act 1875.                                        | Section 67 (2).<br>In section 70, the words from "In the city" to "such city".                                                                                                                                                                                                                                                                                                                          |
| 38 & 39 Vict.<br>c. 33.  | The Metropolis Management Act 1875.                             | The whole Act.                                                                                                                                                                                                                                                                                                                                                                                          |
| 38 & 39 Vict.<br>c. 55.  | The Public Health Act 1875.                                     | Section 2, from "nor" onwards.<br>In section 4, the definition of "The metropolis".<br>Sections 175 to 178.                                                                                                                                                                                                                                                                                             |
| 39 & 40 Vict.<br>c. 75.  | The Rivers Pollution Prevention Act 1876.                       | Section 7.                                                                                                                                                                                                                                                                                                                                                                                              |
| 41 & 42 Vict.<br>c. 32.  | The Metropolis Management and Building Acts Amendment Act 1878. | The whole Act.                                                                                                                                                                                                                                                                                                                                                                                          |
| 41 & 42 Vict.<br>c. 77.  | The Highways and Locomotives (Amendment) Act 1878.              | Section 2 from "and save" onwards.<br>In section 38, the definition of "The metropolis".                                                                                                                                                                                                                                                                                                                |
| 42 & 43 Vict.<br>c. 18.  | The Racecourses Licensing Act 1879.                             | The whole Act.                                                                                                                                                                                                                                                                                                                                                                                          |

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| Chapter                  | Short Title                                                | Extent of Repeal                                                                                                                                                                                                                                                         |
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| 45 & 46 Vict.<br>c. lvi. | The Metropolitan Board of Works (Various Powers) Act 1882. | Section 45.                                                                                                                                                                                                                                                              |
| 48 & 49 Vict.<br>c. 21.  | The Burials Boards (Contested Elections) Act 1885.         | The whole Act, so far as relating to Greater London.                                                                                                                                                                                                                     |
| 48 & 49 Vict.<br>c. 72.  | The Housing of the Working Classes Act 1885.               | Sections 9 and 10.                                                                                                                                                                                                                                                       |
| 50 & 51 Vict.<br>c. 27.  | The Markets and Fairs (Weighing of Cattle) Act 1887.       | Sections 4 to 9, so far as respects any London borough council who are a market authority for the purposes of Part III of the Food and Drugs Act 1955.                                                                                                                   |
| 51 & 52 Vict.<br>c. 41.  | The Local Government Act 1888.                             | Section 3 (v) from "and the" onwards.<br>Section 40 (6) and (9).<br>Section 41 (3), (4) and (7).<br>In Schedule 3, the entries relating to Croydon and West Ham.<br>Any provision already repealed except as respects London other than a provision in section 30 or 83. |
| 52 & 53 Vict.<br>c. 63.  | The Interpretation Act 1889.                               | Section 5.                                                                                                                                                                                                                                                               |
| 53 & 54 Vict.<br>c. 59.  | The Public Health Acts Amendment Act 1890.                 | In section 2 (2), the words "exclusive of the administrative county of London".                                                                                                                                                                                          |
| 54 & 55 Vict.<br>c. 70.  | The Markets and Fairs (Weighing of Cattle) Act 1891.       | Sections 1 and 2, so far as respects any London borough council who are a market authority for the purposes of Part III of the Food and Drugs Act 1955.                                                                                                                  |
| 55 & 56 Vict.<br>c. 53.  | The Public Libraries Act 1892.                             | Section 21 (3).                                                                                                                                                                                                                                                          |
| 55 & 56 Vict.<br>c. 59.  | The Telegraph Act 1892.                                    | In section 9, in the definition of "urban sanitary authority", the words from "and a sanitary" to "1891", and the definition of "London".                                                                                                                                |
| 56 & 57 Vict.<br>c. 73.  | The Local Government Act 1894.                             | In section 21 (3), the words "and every other" so far as they apply to the Rating and Valuation Act 1925.                                                                                                                                                                |
| 61 & 62 Vict.<br>c. 16.  | The Canals Protection (London) Act 1898.                   | In section 8, the paragraph beginning "local authority".                                                                                                                                                                                                                 |
| 62 & 63 Vict.<br>c. 14.  | The London Government Act 1899.                            | Sections 10 and 12.<br>In section 34, the words "and the Public Libraries Acts 1892 and 1893".                                                                                                                                                                           |

| Chapter                    | Short Title                                                | Extent of Repeal                                                                                                                                                                                                    |
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| 62 & 63 Vict.<br>c. 44     | The Small Dwellings Acquisition Act 1899.                  | Section 9 (3) from the beginning to "but".<br>Section 9 (5) from "in like manner" onwards.<br>Section 9 (10).                                                                                                       |
| 1 Edw. 7. c. 19            | The Public Libraries Act 1901.                             | In section 13, the words "and a metropolitan borough council" and "and a metropolitan borough" and the words from "Any expenses" onwards.                                                                           |
| 3 Edw. 7. c. 17            | The Metropolitan Streets Act 1903.                         | The whole Act.                                                                                                                                                                                                      |
| 3 Edw. 7. c. 24.           | The Education (London) Act 1903.                           | The whole Act.                                                                                                                                                                                                      |
| 6 Edw. 7. c. 14.           | The Alkali, &c. Works Regulation Act 1906.                 | Section 24.<br>In section 27 (1), in the definition of "the Public Health Act", the words "or in the case of London the Public Health (London) Act 1891".                                                           |
| 6 Edw. 7. c. 25.           | The Open Spaces Act 1906.                                  | In section 1, the words "or metropolitan".<br>In section 15 (2) (a), the words "other than the London County Council".<br>Section 15 (2) (b) and (d).<br>Section 18 from "in the case of a county council" onwards. |
| 6 Edw. 7. c. 44.           | The Burial Act 1906.                                       | Section 1, so far as relating to Greater London.                                                                                                                                                                    |
| 7 Edw. 7. c. 53.           | The Public Health Acts Amendment Act 1907.                 | In section 2 (2), the words "exclusive of the administrative County of London".                                                                                                                                     |
| 7 Edw. 7. c. 55.           | The London Cab and Stage Carriage Act 1907.                | Section 4.                                                                                                                                                                                                          |
| 8 Edw. 7. c. 36.           | The Small Holdings and Allotments Act 1908.                | Section 36.                                                                                                                                                                                                         |
| 9 Edw. 7.<br>c. lxxvii.    | The City of London (Street Traffic) Act 1909.              | Section 2 (2).                                                                                                                                                                                                      |
| 3 & 4 Geo. 5.<br>c. 32.    | The Ancient Monuments Consolidation and Amendment Act 1913 | Section 18.<br>Section 21 (2) from the beginning to "general rate, and" and from "in the case of a county council" onwards.                                                                                         |
| 4 & 5 Geo. 5.<br>c. iii.   | The East Ham Corporation Act 1914.                         | Part II.                                                                                                                                                                                                            |
| 5 & 6 Geo. 5.<br>c. lxxvi. | The London County Council (Parks &c.) Act 1915.            | Section 8.                                                                                                                                                                                                          |
| 5 & 6 Geo. 5.<br>c. ciii.  | The London County Council (General Powers) Act 1915.       | Part II.                                                                                                                                                                                                            |

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| 5 & 6 Geo. 5.<br>c. cviii.  | The London County Council (Celluloid &c.) Act 1915.       | The whole Act.                                                                                                                                                                                                                                                                                                                           |
| 6 & 7 Geo. 5.<br>c. 69.     | The Public Authorities and Bodies (Loans) Act 1916.       | The whole Act.                                                                                                                                                                                                                                                                                                                           |
| 9 & 10 Geo. 5.<br>c. 59.    | The Land Settlement (Facilities) Act 1919.                | Section 24.                                                                                                                                                                                                                                                                                                                              |
| 12 & 13 Geo. 5.<br>c. 35.   | The Celluloid and Cinematograph Film Act 1922.            | In section 11 (2), the words " to the administrative county of London or ".                                                                                                                                                                                                                                                              |
| 12 & 13 Geo. 5.<br>c. 51.   | The Allotments Act 1922.                                  | In section 20, the words " the London County Council or ".<br>In section 22 (1), the definition of " borough ".<br>Section 22 (5).                                                                                                                                                                                                       |
| 13 & 14 Geo. 5.<br>c. vii.  | The London County Council (General Powers) Act 1923.      | Section 16.                                                                                                                                                                                                                                                                                                                              |
| 14 & 15 Geo. 5.<br>c. lvii. | The London County Council (General Powers) Act 1924.      | Part III.                                                                                                                                                                                                                                                                                                                                |
| 15 & 16 Geo. 5.<br>c. 71.   | The Public Health Act 1925.                               | In section 2 (1), the words " or to the administrative county of London ".                                                                                                                                                                                                                                                               |
| 15 & 16 Geo. 5.<br>c. 90.   | The Rating and Valuation Act 1925.                        | Section 64 (5).<br>In section 70 (1) the words " or the administrative county of London ".                                                                                                                                                                                                                                               |
| 16 & 17 Geo. 5.<br>c. 21.   | The Markets and Fairs (Weighing of Cattle) Act 1926.      | The following provisions so far as respects any London borough council who are a market authority for the purposes of Part III of the Food and Drugs Act 1955, that is to say—<br>in section 2 the words from the beginning to " facilities for weighing cattle, and " and the word " respectively ";<br>section 3; and<br>the Schedule. |
| 16 & 17 Geo. 5.<br>c. 31.   | The Home Counties (Music and Dancing) Licensing Act 1926. | Schedule 1 from " The county boroughs " onwards.                                                                                                                                                                                                                                                                                         |
| 16 & 17 Geo. 5.<br>c. 45.   | The Fertilisers and Feeding Stuffs Act 1926.              | Section 27(b)                                                                                                                                                                                                                                                                                                                            |
| 18 & 19 Geo. 5.<br>c. 8.    | The Rating and Valuation Act 1928.                        | Section 1.<br>In section 5 (2), the words " except so far as it relates to London ".                                                                                                                                                                                                                                                     |
| 18 & 19 Geo. 5.<br>c. 44.   | The Rating and Valuation (Apportionment) Act 1928.        | Section 7.<br>Schedule 2.                                                                                                                                                                                                                                                                                                                |

| Chapter                    | Short Title                                          | Extent of Repeal                                                                                                                                                                                                                                                                                                               |
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| 19 & 20 Geo. 5. c. 17.     | The Local Government Act 1929.                       | In section 84 the words "in relation to places outside London", the words "and in relation to London, the Valuation (Metropolis) Act 1869, as so amended as aforesaid" and the words "or as the Rating and Valuation (Metropolis) Acts 1869 to 1929, as the case may be".<br>Section 128 (3).<br>In Schedule 10, paragraph 24. |
| 20 & 21 Geo. 5. c. 43.     | The Road Traffic Act 1930.                           | In section 121 (1A), the words "and the London Traffic Area".                                                                                                                                                                                                                                                                  |
| 20 & 21 Geo. 5. c. 44.     | The Land Drainage Act 1930.                          | In section 32(2) the words from "under those Acts" onwards.<br>Section 53(2)(a) and (b).<br>Section 69.<br>In section 73, the words from "or (b)" to "boundary lines are altered".<br>Section 78.                                                                                                                              |
| 20 & 21 Geo. 5. c. 51.     | The Reservoirs (Safety Provisions) Act 1930.         | In section 4 (2), the words "or metropolitan".<br>Section 9 (b).                                                                                                                                                                                                                                                               |
| 20 & 21 Geo. 5. c. clviii. | The London Building Act 1930.                        | Parts II and III.                                                                                                                                                                                                                                                                                                              |
| 20 & 21 Geo. 5. c. clix.   | The London County Council (General Powers) Act 1930. | Sections 51 to 53.<br>Part III.                                                                                                                                                                                                                                                                                                |
| 21 & 22 Geo. 5. c. 17.     | The Local Authorities (Publicity) Act 1931.          | In section 1 (2), the words "(including a metropolitan borough)".<br>Section 1 (3) from "or of" onwards.<br>Section 96 (6).                                                                                                                                                                                                    |
| 23 & 24 Geo. 5. c. 12.     | The Children and Young Persons Act 1933.             | In section 97, in proviso (a), the words from "London" to "as".                                                                                                                                                                                                                                                                |
| 23 & 24 Geo. 5. c. 14.     | The London Passenger Transport Act 1933.             | Sections 59 and 62.<br>In section 107 (1A), the words "and the London Traffic Area".                                                                                                                                                                                                                                           |
| 23 & 24 Geo. 5. c. 25.     | The Pharmacy and Poisons Act 1933.                   | In section 29, in the definition of "local authority", the words from "in London" to "elsewhere".                                                                                                                                                                                                                              |
| 23 & 24 Geo. 5. c. 51.     | The Local Government Act 1933.                       | In section 219, in paragraph (a) the words "metropolitan borough council" and in paragraph (c) the words "metropolitan borough or".<br>Section 229 (2) from "or by" onwards.<br>In section 230 (2), the words from "or by" to "London".                                                                                        |

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| Chapter                                 | Short Title                                     | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| 23 & 24 Geo. 5.<br>c. 51.— <i>cont.</i> | The Local Government Act 1933— <i>cont.</i>     | <p>Section 243.</p> <p>In section 248, the words from the beginning to “accordingly” and the words “a metropolitan borough council and”.</p> <p>In section 305, the definitions of “London”, “rating area” and “rating authority”.</p> <p>Section 308 (2) from “nor” onwards.</p> <p>In Schedule 1, in paragraph (a) of Part I, the words “(exclusive of London)” and the word “Middlesex”.</p> <p>In Schedule 1, in paragraph (a) of Part II, the words “Croydon”, “East Ham” and “West Ham”.</p> <p>In Schedule 1, in paragraph (a) of Part III—</p> <p>in the entry relating to Essex, the words “Barking”, “Ilford”, “Leyton” and “Walthamstow”;</p> <p>in the entry relating to Kent, the word “Bromley”;</p> <p>the whole of the entry relating to Middlesex;</p> <p>in the entry relating to Surrey, the words “Barnes”, “Kingston-upon-Thames”, “Richmond” and “Wimbledon”.</p> |
| 23 & 24 Geo. 5.<br>c. xxiii.            | The City of London (Various Powers) Act 1933.   | <p>In section 2, the words “Part V.—City of London Cemetery”.</p> <p>Section 11.</p> <p>Section 20.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 25 & 26 Geo. 5.<br>c. 47.               | The Restriction of Ribbon Development Act 1935. | Section 4 (1) (a).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 25 & 26 Geo. 5.<br>c. xcii.             | The London Building Act (Amendment) Act 1935.   | Section 4 (1) (a).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 26 Geo. 5 &<br>1 Edw. 8.<br>c. 49.      | The Public Health Act 1936.                     | <p>In section 17, in subsection (7), the words from “In this subsection” onwards; in subsection (8), the words “or within a metropolitan borough” and “or, as the case may be, to the council of that borough”; and in subsection (9), the words “the council of a metropolitan borough” and “(including the London County Council)”.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |



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| Chapter                                          | Short Title                                                    | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| 26 Geo. 5 &<br>1 Edw. 8.<br>c. 49.— <i>cont.</i> | The Public Health Act<br>1936— <i>cont.</i>                    | <p>In section 18 (3), the words “or within a metropolitan borough” and “or, as the case may be, the council of that borough”.</p> <p>Section 28 (2).</p> <p>In section 90 (1), in the definition of “sewerage authority” the words “the council of a metropolitan borough” and “(including the London County Council)”.</p> <p>Section 98 (2).</p> <p>Section 143 (8).</p> <p>In section 199 (1), in paragraph (i) of the definition of “nursing home” the words “(including the London County Council)” and “or metropolitan borough council.”</p> <p>Section 257.</p> <p>Section 266(1)(ii).</p> <p>Sections 335 and 336.</p> <p>Section 342.</p> <p>In section 343 (1), the definition of “London”.</p> <p>In section 347 (2), the words “or London”.</p> <p>Schedule 2.</p> |
| 26 Geo. 5. &<br>1 Edw. 8.<br>c. 50.              | The Public Health<br>(London) Act 1936.                        | The whole Act.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 26 Geo. 5 &<br>1 Edw. 8.<br>c. lx.               | The London County<br>Council (General<br>Powers) Act 1936.     | Part VII.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 1 Edw. 8 &<br>1 Geo. 6.<br>c. 40.                | The Public Health<br>(Drainage of Trade<br>Premises) Act 1937. | In section 15 (2) the words from “or the administrative county” onwards.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 1 Edw. 8 &<br>1 Geo. 6.<br>c. 68.                | The Local Government<br>Superannuation Act<br>1937.            | <p>In section 40 (1), in the definition of local authority, the words “metropolitan borough”.</p> <p>In Part I of Schedule 1, the words “metropolitan borough”.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 1 Edw. 8 &<br>1 Geo. 6.<br>c. xci.               | The London County<br>Council (General<br>Powers) Act 1937.     | Sections 66 and 121.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 1 & 2 Geo. 6.<br>c. 6.                           | The Air-Raid Precautions<br>Act 1937.                          | Section 2.<br>Section 7 (3).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 1 & 2 Geo. 6.<br>c. 65.                          | The Rating and Valuation<br>(Air-Raid Works) Act<br>1938.      | <p>In section 1 (4) the words “in relation to places outside the administrative county of London” and the words from “and (b)” onwards.</p> <p>Section 2 (3).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

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| Chapter                      | Short Title                                          | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| 1 & 2 Geo. 6.<br>c. xxxviii. | The London County Council (General Powers) Act 1938. | Section 5.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 1 & 2 Geo. 6.<br>c. xciii.   | The Green Belt (London and Home Counties) Act 1938.  | In section 17(5), the words from "and section" to "1934".<br>In section 35, the words from " (or in " to "1888)" and the words from "and the" onwards.                                                                                                                                                                                                                                                                                                                                                                                 |
| 2 & 3 Geo. 6.<br>c. 31.      | The Civil Defence Act 1939.                          | In section 11 (1), the words from the beginning to "London".<br>In section 25, the words from the beginning to "London".<br>In section 35 (1), the words from the beginning to "London".<br>Section 73 (2) (a).<br>Section 84.<br>In section 90 (1), in the definition of "fire authority" the words from "subject" to "London".                                                                                                                                                                                                       |
| 2 & 3 Geo. 6.<br>c. 40.      | The London Government Act 1939.                      | The whole Act.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 2 & 3 Geo. 6.<br>c. 56.      | The Riding Establishments Act 1939.                  | In section 3 (1), the words from "as respects the City" to "County Council".<br>Section 3 (2).<br>In section 3 (3) the words " (other than the London County Council) ".                                                                                                                                                                                                                                                                                                                                                               |
| 2 & 3 Geo. 6.<br>c. xxi.     | The City of London (Various Powers) Act 1939.        | Sections 3 and 4.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 2 & 3 Geo. 6.<br>c. xcvii.   | The London Building Acts (Amendment) Act 1939.       | Section 38 (3).<br>In section 84 (1), the words "including the estimated cost thereof".<br>Sections 128, 129, 130 and 131.<br>In section 144 (1), the words "of Part II (Formation and widening of streets) and".<br>In section 148 (2) paragraphs (i) to (iii), (xxviii) and (xxix) of the Table; and in section 148 (3), in paragraph (ii) of the Table the words "Part III (Lines of building frontage) of the Act of 1930 or".<br>In section 152, the proviso.<br>In section 155, subsections (1) (b) and (2) (a).<br>Section 156. |

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| Chapter                   | Short Title                                          | Extent of Repeal                                                                                                                                                                                                                                                                                                                                |
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| 2 & 3 Geo. 6.<br>c. c.    | The London County Council (General Powers) Act 1939. | Section 76.                                                                                                                                                                                                                                                                                                                                     |
| 7 & 8 Geo. 6.<br>c. 31.   | The Education Act 1944.                              | Section 117.<br>So much of Schedule 8 as relates to the London Government Act 1939.                                                                                                                                                                                                                                                             |
| 7 & 8 Geo. 6.<br>c. 47.   | The Town and Country Planning Act 1944.              | In section 65 (1) as applied by and for the purposes of the New Towns Act 1946, in the definition of local highway authority, the words from "and" onwards.                                                                                                                                                                                     |
| 7 & 8 Geo. 6.<br>c. xxi.  | The Middlesex County Council Act 1944.               | Part XIII.                                                                                                                                                                                                                                                                                                                                      |
| 8 & 9 Geo. 6.<br>c. 18.   | The Local Authorities Loans Act 1945.                | Section 8 (2) (d) from "or by" onwards.                                                                                                                                                                                                                                                                                                         |
| 8 & 9 Geo. 6.<br>c. 42.   | The Water Act 1945.                                  | Section 39 (2).                                                                                                                                                                                                                                                                                                                                 |
| 9 & 10 Geo. 6.<br>c. 30.  | The Trunk Roads Act 1946.                            | Section 15 and Schedule 4.                                                                                                                                                                                                                                                                                                                      |
| 9 & 10 Geo. 6.<br>c. 46.  | The Police Act 1946.                                 | Section 16.<br>Schedule 4.                                                                                                                                                                                                                                                                                                                      |
| 9 & 10 Geo. 6.<br>c. 68.  | The New Towns Act 1946.                              | In section 26 (1), in the definition of local highway authority, the words from "and" onwards.                                                                                                                                                                                                                                                  |
| 9 & 10 Geo. 6.<br>c. 81.  | The National Health Service Act 1946.                | In section 21 (1) (f) the words "or section two hundred and ninety-eight of the Public Health (London) Act 1936".<br>In section 22 (3), the words from "and section" onwards.<br>In Schedule 4, in paragraph 2 (a) of Part I, the words from "and section" to "1939".<br>In Schedule 10, the amendments of the Public Health (London) Act 1936. |
| 10 & 11 Geo. 6.<br>c. 22. | The Civic Restaurants Act 1947.                      | In section 3(3), the words "other than the administrative county of London".<br>Section 3(4).                                                                                                                                                                                                                                                   |
| 10 & 11 Geo. 6.<br>c. 39. | The Statistics of Trade Act 1947.                    | Section 14 (3).                                                                                                                                                                                                                                                                                                                                 |
| 10 & 11 Geo. 6.<br>c. 48. | The Agriculture Act 1947.                            | In section 71(1), the words "except the County of London".                                                                                                                                                                                                                                                                                      |
| 11 & 12 Geo. 6.<br>c. 26. | The Local Government Act 1948.                       | Section 10.<br>In section 33 (1), the words "and the Rating and Valuation (Metropolis) Acts 1869 to 1940".<br>Section 54.                                                                                                                                                                                                                       |

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| 11 & 12 Geo. 6.<br>c. 26.— <i>cont.</i> | The Local Government<br>Act 1948— <i>cont.</i> | <p>In section 55 (1), the words "outside London".</p> <p>Section 61 (2) (a).</p> <p>In section 63 (1) the words "shall extend to London and" and the words from "in relation" where they first occur to "inside and outside London".</p> <p>Section 65.</p> <p>In section 120, subsections (1), (2) and (4), and in subsection (3) the words "or section one hundred and seventeen of the London Government Act 1939".</p> <p>In section 121 (4), the words "both within and outside London".</p> <p>Section 123.</p> <p>Section 131 (5).</p> <p>In section 141 (1) (b) the words "(including a metropolitan borough)".</p> <p>In section 144 (1), in the definition of "rating area", the words "(in relation to London as well as the remainder of England and Wales)".</p> |
| 11 & 12 Geo. 6.<br>c. 29.               | The National Assistance<br>Act 1948.           | <p>In section 34 (3), paragraph (a), the words "in the case of any other county", and the words "(a) or".</p> <p>In section 38 (5), the words "and that Act extended to London".</p> <p>In section 47 (12), the words "and the authorities which are sanitary authorities for the purposes of the Public Health (London) Act 1936".</p> <p>In section 50 (2), the words "and the authorities which are sanitary authorities for the purposes of the Public Health (London) Act 1936".</p> <p>In section 64 (1), in the definition of "local authority", the words from "or metropolitan" onwards.</p> <p>In Schedule 3, in paragraph 11 (a), the words "and section one hundred and ninety-six of the London Government Act 1939".</p>                                        |

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| Chapter                    | Short Title                                              | Extent of Repeal                                                                                                                                                                                           |
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| 11 & 12 Geo. 6. c. 40.     | The Education (Miscellaneous Provisions) Act 1948.       | In section 10 (2), the words from "or, as the case may be" to "1939".                                                                                                                                      |
| 11 & 12 Geo. 6. c. 53.     | The Nurseries and Child-Minders Regulation Act 1948.     | In section 6 (5), the words "and that Act extended to London".                                                                                                                                             |
| 11 & 12 Geo. 6. c. 65.     | The Representation of the People Act 1948.               | In Schedule 6, in paragraph 2 the proviso to sub-paragraph (1).                                                                                                                                            |
| 11 & 12 Geo. 6. c. liii.   | The London County Council (General Powers) Act 1948.     | Section 47.                                                                                                                                                                                                |
| 12, 13 & 14 Geo. 6. c. 26. | The Public Works (Festival of Britain) Act 1949.         | In section 5 (3), the words from "for the purposes" to "subsection".                                                                                                                                       |
|                            |                                                          | In Schedule 3, in paragraph 10, sub-paragraph (1) from "in manner" onwards and sub-paragraph (2).                                                                                                          |
| 12, 13 & 14 Geo. 6. c. 32. | The Special Roads Act 1949.                              | Section 22 (2).                                                                                                                                                                                            |
| 12, 13 & 14 Geo. 6. c. 55. | The Prevention of Damage by Pests Act 1949.              | Section 24.                                                                                                                                                                                                |
| 12, 13 & 14 Geo. 6. c. 66. | The House of Commons (Redistribution of Seats) Act 1949. | In Schedule 2, in paragraph 4 (2), in the definition of "county" the words "other than the county of London".                                                                                              |
| 12, 13 & 14 Geo. 6. c. 67. | The Civil Aviation Act 1949.                             | Section 21.                                                                                                                                                                                                |
| 12, 13 & 14 Geo. 6. c. 68. | The Representation of the People Act 1949.               | In section 41 (4) (a), the words "or under section eighty-two or eighty-three of the London Government Act 1939", and in section 41 (5), the words "(other than the London county council)".               |
|                            |                                                          | In section 102 (10), the words "or a member of the London county council" and "or for the county, as the case may be".                                                                                     |
|                            |                                                          | Section 116 (2), from "Where" onwards.                                                                                                                                                                     |
|                            |                                                          | In section 172 (1), the definition of "borough" and, in the definition of "local government Act", the words "except in relation to the administrative County of London", and the words from "and" onwards. |
|                            |                                                          | In Schedule 7, in paragraph 3 (1), the words "With the exception of the London county council".                                                                                                            |
|                            |                                                          | In Schedule 8, paragraph 6.                                                                                                                                                                                |

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| Chapter                           | Short Title                                                  | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| 12, 13 & 14<br>Geo. 6. c. 84.     | The War Damaged Sites Act 1949.                              | In section 6 (2), the words from "and Part V" to "1939".<br>Section 18 (2).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 12, 13 & 14<br>Geo. 6. c. 97.     | The National Parks and Access to the Countryside Act 1949.   | Section 35 (1) from the beginning to "this section" and from "shall" onwards.<br>In section 35 (2), the words "the London County Council, or", "of the said county or" and "as the case may be".<br>In section 35 (3), the words "of the administrative county of London or", "the London County Council or" and "said county or" and the words "as the case may be" in both places where they occur.<br>In section 35 (4), the words "other than the administrative county of London".<br>In section 35 (5), the words "of the administrative county of London or", paragraph (a), in paragraph (b) the words "in the case of a part of a county borough" and in paragraphs (c) and (d) the words "in either case".<br>In section 104 (4), the words "and subsections (2) and (3) of section one hundred and six of the London Government Act 1939".<br>In section 104 (10), the words from "or of subsection (1)" to "1939".<br>In section 104 (11), the words "and section one hundred and nine of the London Government Act 1939". |
| 12, 13 & 14<br>Geo. 6.<br>c. 101. | The Justices of the Peace Act 1949.                          | In section 4 (8), the words "the London Government Act 1939".                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 12, 13 & 14<br>Geo. 6.<br>c. 102. | The Festival of Britain (Supplementary Provisions) Act 1949. | In section 28 (2), the words from "or in" to "1939".<br>Section 7 (4).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 12, 13 & 14<br>Geo. 6. c. lv.     | The London County Council (General Powers) Act 1949.         | Part III.<br>Section 52.<br>In section 53 (3), the words "under the Act of 1939 or" and the word "other" in the first place where it occurs.<br>Section 53 (7).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

| Chapter                                         | Short Title                                                       | Extent of Repeal                                                                                                                            |
|-------------------------------------------------|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| 12, 13 & 14<br>Geo. 6. c. lv.<br>— <i>cont.</i> | The London County Council (General Powers) Act 1949— <i>cont.</i> | In section 54 (1), the words from “in section 34” to “1939 or”.<br>In section 56, the words from “and section” onwards.<br>The Schedule.    |
| 14 Geo. 6. c. 22.                               | The London Government Act 1950.                                   | The whole Act.                                                                                                                              |
| 14 Geo. 6. c. 28.                               | The Shops Act 1950.                                               | Section 73 (2) from “and the London” onwards.<br>In section 74 (1), in the definition of “Public Health Acts,” the words from “or” onwards. |
| 14 Geo. 6. c. 36                                | The Diseases of Animals Act 1950.                                 | In section 59 (2) (a), the words “or (ii) a metropolitan borough”.<br>Section 60 (3).<br>Section 69 from “Provided that” onwards.           |
| 14 Geo. 6. c. 39                                | The Public Utilities Street Works Act 1950.                       | In Schedule 7, paragraphs 2 to 4, paragraph 5 (a) from “or” onwards, paragraph 7 (1) from “and” onwards, and paragraph 9.                   |
| 14 Geo. 6. c. v.                                | The City of London (Various Powers) Act 1950.                     | Section 20.                                                                                                                                 |
| 14 Geo. 6. c. xlii.                             | The London County Council (General Powers) Act 1950.              | Sections 32 and 34.                                                                                                                         |
| 14 & 15 Geo. 6. c. 53.                          | The Midwives Act 1951.                                            | Section 11 (3).                                                                                                                             |
| 14 & 15 Geo. 6. c. 64.                          | The Rivers (Prevention of Pollution) Act 1951.                    | Section 1 (1) (b) (iii).                                                                                                                    |
| 14 & 15 Geo. 6. c. xli.                         | The London County Council (General Powers) Act 1951.              | Part II.<br>Sections 31 and 34.<br>The Schedule.                                                                                            |
| 15 & 16 Geo. 6. & 1 Eliz. 2. c. 54.             | The Town Development Act 1952.                                    | Section 19.                                                                                                                                 |
| 1 & 2 Eliz. 2. c. 26.                           | The Local Government (Miscellaneous Provisions) Act 1953.         | In section 15, paragraph (b).                                                                                                               |
| 1 & 2 Eliz. 2. c. 33.                           | The Education (Miscellaneous Provisions) Act 1953.                | In section 13, in subsection (1), the words “outside London” and subsection (2).                                                            |
| 1 & 2 Eliz. 2. c. 37.                           | The Registration Service Act 1953.                                | In section 21 (2), the words “the application of” and “to London” and paragraph (a).<br>Section 8 (2) from “and” onwards.                   |
| 1 & 2 Eliz. 2. c. 42.                           | The Valuation for Rating Act 1953.                                | Section 8 (2) from “and” onwards.                                                                                                           |
| 1 & 2 Eliz. 2. c. 50.                           | The Auxiliary Forces Act 1953.                                    | In Schedule 1, paragraph 1 (f) (i) from “(including” onwards and paragraph 1 (f) (ii) from “or, if” onwards.                                |

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| Chapter                     | Short Title                                                   | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| 1 & 2 Eliz. 2.<br>c. xliii. | The London County Council (General Powers) Act 1953.          | Part II.<br>Section 44.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 2 & 3 Eliz. 2.<br>c. 8.     | The Electoral Registers Act 1953.                             | In the list at the end of the the Schedule the words "London Government Act 1939".                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 2 & 3 Eliz. 2.<br>c. 59.    | The Slaughter of Animals (Amendment) Act 1954.                | In section 1, subsections (1) to (3).<br>Section 10.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 2 & 3 Eliz. 2.<br>c. 70.    | The Mines and Quarries Act 1954.                              | Section 151 (4).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 2 & 3 Eliz. 2.<br>c. xxiv.  | The London County Council (General Powers) Act 1954.          | Section 5.<br>Part IV.<br>Section 18.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 4 & 5 Eliz. 2.<br>c. 9.     | The Rating and Valuation (Miscellaneous Provisions) Act 1955. | In section 3 (1) (a) the words from "or under any" to "lists".<br>In section 4 (2) the words from "and of" to "1948".<br>In section 5 (1) the words "outside London" and "and as extended by".<br>Section 5 (6).<br>In section 9 (2), the words "(outside London)" and the words from "or (in London)" to "Public Health (London) Act 1936".<br>In section 16, the definition of "London" in subsection (1) and subsection (2) from "and in" onwards.<br>In Schedule 2, in column 2 the words "outside London", and column 3.<br>In Schedule 7, in Part III, the amendment of section 65. |
| 4 & 5 Eliz. 2.<br>c. 16.    | The Food and Drugs Act 1955.                                  | In section 8 (4) the words from "or under" to "1936".<br>In section 12 (2), the words from "or under" to "1936".<br>Section 15 (2).<br>Section 25 (4).<br>In section 26 (6) the words from the beginning to "such a disqualification" and the words from "other than" to "1939".<br>In section 42 (4), the words "or the London Government Act 1939".<br>In section 43 (4), the words "or the London Government Act 1939".                                                                                                                                                                |



| Chapter                                | Short Title                                               | Extent of Repeal                                                                                                                                                                                                                                                           |
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| 4 & 5 Eliz. 2.<br>c. 16.— <i>cont.</i> | The Food and Drugs Act 1955.— <i>cont.</i>                | In section 85, paragraph (b) and, in paragraph (d), the word "other".<br>Section 88 (4).<br>Section 125 (2).<br>Section 126 (3).<br>In section 135 (1), the definition of "London".<br>Section 136 (3) (a).<br>In Schedule 12, paragraph 6.<br>The whole Act.              |
| 4 & 5 Eliz. 2.<br>c. xxvi.             | The London County Council (Loans) Act 1955.               | Part V.<br>Section 31.                                                                                                                                                                                                                                                     |
| 4 & 5 Eliz. 2.<br>c. xxix.             | The London County Council (General Powers) Act 1955.      | Part V.<br>Section 31.                                                                                                                                                                                                                                                     |
| 4 & 5 Eliz. 2.<br>c. 43.               | The Local Government Elections Act 1956.                  | In section 6 (1), in paragraph (a), the words "outside the administrative county of London" and paragraph (b).<br>Section 32.                                                                                                                                              |
| 4 & 5 Eliz. 2.<br>c. 52.               | The Clean Air Act 1956.                                   | In section 35 (1), the words "Part V of the Public Health (London) Act 1936".<br>Part II of Schedule 3.                                                                                                                                                                    |
| 4 & 5 Eliz. 2.<br>c. 66.               | The Sanitary Inspectors (Change of Designation) Act 1956. | In section 1, the words "or the London Government Act 1939".                                                                                                                                                                                                               |
| 4 & 5 Eliz. 2.<br>c. lxxvii.           | The London County Council (General Powers) Act 1956.      | Section 61.                                                                                                                                                                                                                                                                |
| 4 & 5 Eliz. 2.<br>c. xc.               | The Middlesex County Council Act 1956.                    | Section 80.                                                                                                                                                                                                                                                                |
| 5 & 6 Eliz. 2.<br>c. 19.               | The Public Health Officers (Deputies) Act 1957.           | In section 1 (1), the words "outside the administrative county of London".<br>Section 1 (3).                                                                                                                                                                               |
| 5 & 6 Eliz. 2.<br>c. 20.               | The House of Commons Disqualification Act 1957.           | In Part III of Schedule 1, both in its application to the House of Commons of the United Kingdom and in its application to the Senate and House of Commons of Northern Ireland, in the entry relating to local government officers, the words "of a metropolitan borough". |
| 5 & 6 Eliz. 2.<br>c. 25.               | The Rent Act 1957.                                        | In section 20 (4) (b) the words from " (or the " to " 1949)".                                                                                                                                                                                                              |
| 5 & 6 Eliz. 2.<br>c. 56.               | The Housing Act 1957.                                     | In section 1 (2), the words "as respects the administrative county of London" where first occurring, and paragraph (b).                                                                                                                                                    |

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| Chapter                                | Short Title                                              | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| 5 & 6 Eliz. 2.<br>c. 56.— <i>cont.</i> | The Housing Act 1957<br>— <i>cont.</i>                   | <p>Sections 2 (4) and 3 (2).<br/>           In section 15 (1) (b), the words “or the Public Health (London) Act 1936.”<br/>           Sections 41 and 52.<br/>           In section 55 (1), the words from “the rest” to “county borough” and the word “non-county”.<br/>           Sections 58, 66, 71 and 75.<br/>           In section 86, the words from “and by” to “in London” and from “and section” to “respectively”.<br/>           Sections 88, 89, 90 (7), 109 (4), 112 (4), 121 (4), 132 and 133.<br/>           In section 135 (2), the words “other than the London County Council”.<br/>           Section 135 (3).<br/>           In section 136 (1), the words “(other than the London County Council)”.<br/>           Section 136 (2).<br/>           In section 136 (3), the words “the London County Council or”.<br/>           In section 138 (1), the words “(other than a metropolitan borough council)”.<br/>           In section 156, the words “other than the London County Council”.<br/>           Section 157 (4) from “and in” onwards.<br/>           Sections 164 (4), 177, 183, 184, 185 and 186.<br/>           In section 189 (2), the words from “the London” to “council and”.<br/>           In Schedule 8, in paragraph 6, the words “by the London County Council or” and the word “other”.<br/>           In Schedule 9, in paragraph 11 (c), the words from “as respects England” to “London” where first occurring and the words from “as respects the City” to “metropolitan borough”.<br/>           So much of Schedule 10 as relates to the London Government Act 1939.</p> |
| 6 & 7 Eliz. 2.<br>c. 26.               | The House of Commons (Redistribution of Seats) Act 1958. | In section 4 (3), the words “(including a metropolitan borough)”.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

| Chapter                     | Short Title                                          | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| 6 & 7 Eliz. 2.<br>c. 42.    | The Housing (Financial Provisions) Act 1958.         | <p>Section 26 (2).</p> <p>In section 41 (1), the words from "as respects" to "London".</p> <p>Section 41 (2) from the beginning to "purposes and".</p> <p>Section 54 (2).</p> <p>In section 54 (3), the words "the London County Council or" and the words from "and in" onwards.</p> <p>In section 58 (1), the definition of "general rate fund".</p> <p>In section 59 (4), the reference to section 2 (5) of the Housing (Financial Provisions) Act 1924.</p> <p>In Schedule 3, paragraph 2 (2) and (3).</p> <p>In Schedule 5, paragraphs 1 (2) and (7) and 2 (2).</p> |
| 6 & 7 Eliz. 2.<br>c. 55.    | The Local Government Act 1958.                       | <p>Section 8.</p> <p>Section 53.</p> <p>In section 55 (3), the words "and to the council of any metropolitan borough".</p> <p>Section 58 (2) (b).</p>                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 6 & 7 Eliz. 2.<br>c. 70.    | The Slaughterhouses Act 1958.                        | <p>In section 14, subsections (1), (2) and (4) and subsection (3) from "and not" onwards.</p> <p>Sections 14 and 30.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 6 & 7 Eliz. 2.<br>c. xxi.   | The London County Council (General Powers) Act 1958. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 6 & 7 Eliz. 2.<br>c. xlvii. | The City of London (Various Powers) Act 1958.        | <p>Sections 6, 12 and 14.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 7 & 8 Eliz. 2.<br>c. 8.     | The Slaughter of Animals Act 1958.                   | <p>In section 11, subsection (1), subsection (2) from "and not" onwards, and subsection (3).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 7 & 8 Eliz. 2.<br>c. 25.    | The Highways Act 1959.                               | <p>In section 10 (1), the words " (including a metropolitan borough) ".</p> <p>In section 39 (1), the words " of the county, borough or urban district ".</p> <p>Section 42.</p> <p>In section 59 (1), the words " After the commencement of this Act ".</p> <p>Section 236 (1) (d).</p> <p>Section 291, except subsection (3).</p> <p>In section 295 (1), in the definition of "improvement" the words " of traffic notices in pursuance of the London Traffic Act 1924 and " and the definition of " London ".</p>                                                     |

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| Chapter                                | Short Title                                                | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| 7 & 8 Eliz. 2.<br>c. 25.— <i>cont.</i> | The Highways Act 1959.<br>— <i>cont.</i>                   | Section 295 (3) and (4A).<br>Section 312 (3).<br>Section 313 (3).<br>Schedule 20.<br>Schedule 26.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 7 & 8 Eliz. 2.<br>c. 53.               | The Town and Country<br>Planning Act 1959.                 | Section 57 (11) (b) and (c).<br>In Part I of Schedule 4, paragraph 1 from “ or of ” onwards.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 7 & 8 Eliz. 2.<br>c. 72.               | The Mental Health Act<br>1959.                             | Section 24.<br>Part I of Schedule 7 so far as it relates to the Public Health (London) Act 1936 or the London Government Act 1939.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 7 & 8 Eliz. 2.<br>c. lii.              | The London County<br>Council (General<br>Powers) Act 1959. | Sections 22, 23, 25 and 30.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 8 & 9 Eliz. 2.<br>c. 16.               | The Road Traffic Act<br>1960.                              | Section 21 (3) and section 21 (4) from “ and in the case ” onwards.<br>Sections 30 to 33.<br>Section 34 (5).<br>In section 49 (1), the words from “ (other than ” to “ county borough ”.<br>In section 81 (1), the words “ outside the administrative county of London ”.<br>Section 85 (4), from “ Provided that ” onwards.<br>Section 89 (4).<br>Section 120 (3).<br>In section 150, the words “ and fourteen ”.<br>Section 248 from “ Provided that ” onwards.<br>In section 252 (1), the words from “ references in this Act to the London Traffic Area ” to “ green line ”.<br>In section 252 (2), the words “ the London Traffic Area and ”.<br>In section 260 (2), the words from “ other ” to “ thereof ”.<br>In section 265 (1), the words “ or ‘ London Traffic Area ’ by reference to the London Traffic Act 1924 ”.<br>Schedules 2 and 3.<br>In Schedule 4, paragraph 16.<br>In Schedule 10, Part III.<br>In Schedule 17, in the new subsections added to section 121 of the Road Traffic Act 1930 |

| Chapter                               | Short Title                                            | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| 8 & 9 Eliz. 2.<br>c. 16— <i>cont.</i> | The Road Traffic Act 1960— <i>cont.</i>                | and section 107 of the London Passenger Transport Act 1933, the words “and the London Traffic Area”.<br>So much of Schedule 17 as amends section 295 of the Highways Act 1959.<br>In Schedule 19, paragraph 15.<br>In Schedule 1, paragraph 4.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 8 & 9 Eliz. 2.<br>c. 34.              | The Radioactive Substances Act 1960.                   | In Schedule 19, paragraph 15.<br>In Schedule 1, paragraph 4.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 8 & 9 Eliz. 2.<br>c. 58.              | The Charities Act 1960.                                | In section 6 (8), the words “and, in London”.<br>Section 10 (7) from “and” onwards.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 8 & 9 Eliz. 2.<br>c. 62.              | The Caravan Sites and Control of Development Act 1960. | Sections 24 (9) and 31.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 8 & 9 Eliz. 2.<br>c. 63.              | The Road Traffic and Roads Improvement Act 1960.       | Section 3 (1).<br>In section 4 (1), the words from “during” to “this section” and the words from “but” onwards.<br>In section 4 (2), the words from the beginning to “made by”, the words from “for vehicles” to “he”, and the words “at the end of that period”.<br>In section 5 (1) the words “subsection (8) or (9) of”.<br>In section 5 (7), the words “by virtue of subsection (8) or (9) of that section” and “so”.<br>Section 8 (1).<br>Section 9.<br>Section 10.<br>Section 11 (13) and (17).<br>In section 14, the words “the council of a metropolitan borough and the London County Council”, and the words “or council” in both cases where they appear.<br>In section 15 (4) (d), the words “the council of the county borough or county district”.<br>Section 17.<br>Section 18 (3) and (4).<br>Section 19 (2) from “but” onwards.<br>Section 19 (3) from “and where” onwards.<br>Section 19 (6) from “and so” onwards.<br>Section 19 (7). |

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| Chapter                               | Short Title                                                   | Extent of Repeal                                                                                                                                                                                                                                                               |
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| 8 & 9 Eliz. 2.<br>c. 63— <i>cont.</i> | The Road Traffic and Roads Improvement Act 1960— <i>cont.</i> | In section 22 (1) (a), the words from “in placing” to “signs or”.<br>Section 22 (1) (b).<br>In section 23 (2), the words from “the London area” to “London Traffic Area”.<br>The Schedule so far as it amends paragraph 3, 7 or 9 of Schedule 10 to the Road Traffic Act 1960. |
| 8 & 9 Eliz. 2.<br>c. 67.              | The Public Bodies (Admission to Meetings) Act 1960.           | In the Schedule, in paragraph 1 (a) the words “or the London Government Act 1939”.                                                                                                                                                                                             |
| 8 & 9 Eliz. 2.<br>c. 68.              | The Noise Abatement Act 1960.                                 | Section 1 (6).<br>In section 4 (1), the words “or section sixty-six of the London County Council (General Powers) Act 1937” and “and subsection (4) of section one hundred and forty-six of the London Government Act 1939”.                                                   |
| 8 & 9 Eliz. 2.<br>c. xxix.            | The London County Council (General Powers) Act 1960.          | Section 4 (2).<br>Sections 11, 12 and 14.                                                                                                                                                                                                                                      |
| 8 & 9 Eliz. 2.<br>c. xxxvi.           | The City of London (Various Powers) Act 1960.                 | Sections 30 and 37.                                                                                                                                                                                                                                                            |
| 9 & 10 Eliz. 2.<br>c. 20.             | The Home Safety Act 1961.                                     | Section 1 (4) from “or metropolitan” onwards.                                                                                                                                                                                                                                  |
| 9 & 10 Eliz. 2.<br>c. 40.             | The Consumer Protection Act 1961.                             | In section 6 (3) (b), the words from “or metropolitan” to “London”.<br>In paragraph 7 of the Schedule, the words from “and metropolitan” to “London”.                                                                                                                          |
| 9 & 10 Eliz. 2.<br>c. 34.             | The Factories Act 1961.                                       | Section 176 (8) from “and as respects” onwards.<br>In section 181 (1), the words “outside the administrative county of London” and “in the administrative county of London”; and in section 181 (2) the words “the Minister of Housing and Local Government (or in Scotland”.  |
|                                       |                                                               | Section 184 (3).<br>Schedule 5, except as respects Scotland.                                                                                                                                                                                                                   |

| Chapter                      | Short Title                                          | Extent of Repeal                                                                                                                                                                                                                                                                                                                                        |
|------------------------------|------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 9 & 10 Eliz. 2.<br>c. 45.    | The Rating and Valuation Act 1961.                   | In section 15 (1), the words "London and" and the word "other" where first occurring.<br>Section 28 (2).<br>In Schedule 4, paragraph 15.                                                                                                                                                                                                                |
| 9 & 10 Eliz. 2.<br>c. 61.    | The Licensing Act 1961.                              | In section 37 (4) (b), the words "or metropolitan borough".                                                                                                                                                                                                                                                                                             |
| 9 & 10 Eliz. 2.<br>c. 62.    | The Trustee Investments Act 1961.                    | In section 11 (1), the words "or by the London County Council" and in section 11 (4) (a) the words "county, metropolitan or other".<br>In Schedule 1, in paragraph 4 of Part IV, the words "county, metropolitan or other".                                                                                                                             |
| 9 & 10 Eliz. 2.<br>c. 63.    | The Highways (Miscellaneous Provisions) Act 1961.    | Section 1 (4) from the beginning to "and".<br>In section 17 (3), the words from "or, except" onwards.                                                                                                                                                                                                                                                   |
| 9 & 10 Eliz. 2.<br>c. 64.    | The Public Health Act 1961.                          | Section 1 (3) from "and references" onwards.<br>Section 3 from "or save" onwards.<br>Section 71.<br>Section 79 (2).<br>In Schedule 1, in the last paragraph of the amendments of the Clean Air Act 1956, the words "in the administrative county of London or", the words "in subsection (6) of section thirty-two, and" and the words "to London and". |
| 9 & 10 Eliz. 2.<br>c. 65.    | The Housing Act 1961.                                | Section 16 (2) from "and" onwards.<br>Section 23 (8).<br>Section 68.                                                                                                                                                                                                                                                                                    |
| 9 & 10 Eliz. 2.<br>c. xliii. | The London County Council (General Powers) Act 1961. |                                                                                                                                                                                                                                                                                                                                                         |
| 10 & 11 Eliz. 2.<br>c. 36.   | The Local Authorities (Historic Buildings) Act 1962. | Section 1 (4) from "but" onwards.                                                                                                                                                                                                                                                                                                                       |
| 10 & 11 Eliz. 2.<br>c. 38.   | The Town and Country Planning Act 1962.              | Section 202.<br>Schedule 9.                                                                                                                                                                                                                                                                                                                             |
| 10 & 11 Eliz. 2.<br>c. 46.   | The Transport Act 1962                               | In Schedule 11, paragraph 3.<br>In section 46 (8), the words "outside the county of London but".                                                                                                                                                                                                                                                        |
| 10 & 11 Eliz. 2.<br>c. 56.   | The Local Government (Records) Act 1962.             | In section 2 (5), the words from "and section" to "1939".<br>In section 2 (6), the words "or metropolitan borough".<br>In section 3, the words from "or section" to "1939".                                                                                                                                                                             |

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| Chapter                     | Short Title                                          | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-----------------------------|------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10 & 11 Eliz. 2.<br>c. 59.  | The Road Traffic Act 1962.                           | In section 10, the words " by any direction, order or regulations ".<br>In section 11 (2) (a), the words " or any road in the London Traffic Area ".<br>Section 12 (1).<br>Section 27.<br>Section 28 (6) from " and no " onwards.<br>In section 32 (4) the words from " or of " to " Area ".<br>Part II of Schedule 4, so far as it amends the Highways Act 1959 or section 9 (1) of the Road Traffic and Roads Improvement Act 1960. |
| 10 & 11 Eliz. 2.<br>c. xlv. | The London County Council (General Powers) Act 1962. | Part II.<br>Section 31.<br>The Schedule.                                                                                                                                                                                                                                                                                                                                                                                              |
| 1963 c. 13.                 | The Nursing Homes Act 1963.                          | In section 1(1), the words " and Part XI of the Public Health (London) Act 1936 ".<br>In section 1(2), the words " and under section 242 of the Public Health (London) Act 1936 ".<br>In section 1(5), the words " or section 247 of the Public Health (London) Act 1936 ".<br>Section 2.                                                                                                                                             |
| 1963 c. 41.                 | The Offices, Shops and Railway Premises Act 1963.    | In section 9(6) the words " nor section 106 of the Public Health (London) Act 1936. "<br>In section 24(9) the words " or Part XI of the Public Health (London) Act 1936. "<br>Section 77.                                                                                                                                                                                                                                             |
| 1963 c. xvii.               | The London County Council (General Powers) Act 1963. | Section 15.                                                                                                                                                                                                                                                                                                                                                                                                                           |



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## 1963 CHAPTER 34

An Act to confer on Her Majesty in Council powers requisite to provide for the dissolution of the Federation of Rhodesia and Nyasaland, or the secession therefrom of any of the Territories comprised in the Federation; and for purposes connected with the matters aforesaid.  
[31st July 1963]

**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) Her Majesty may by Order in Council provide for the dissolution of the Federation of Rhodesia and Nyasaland (hereinafter referred to as "the Federation"), with the consequential distribution of functions of the Federal Government and Legislature among the Territories; and an Order in Council under this section may make, or authorise the making of, such incidental, supplemental and consequential provisions as appear necessary or expedient for the purposes of the Order.

Provision for  
dissolution of  
Federation.

(2) Without prejudice to the generality of the foregoing subsection, the incidental, supplemental and consequential provisions which may be made by or under an Order under this section shall include provisions—

- (a) for the apportionment and transfer of property, rights, liabilities, powers or duties of the Federation or the Government or Legislature thereof or of institutions operating for Federal purposes;
- (b) as to the armed forces and public service of the Federation and persons being members or former members thereof and as to other persons employed or formerly employed for the purpose of institutions operating for Federal purposes (including provision for the discharge of obligations to, or otherwise compensating, such persons and for the apportionment of liabilities arising therefrom);
- (c) for the determination of matters pending before Federal courts and tribunals;
- (d) for the continuance, as respects any of the Territories, of existing law as in force in the Territory immediately before dissolution, subject however to the powers of the authority having power to legislate for the Territory after dissolution and to any modifications or adaptations prescribed, by any authority in the Territory designated by Order under this section, in the exercise of powers conferred by such an Order;

- (e) for modifying or adapting any Act of Parliament (and in particular the enactments relating to citizenship) or any instrument having effect under an Act of Parliament, so however that this section shall not authorise the amendment of the constitution of any of the Territories;

and if it is agreed between the Governments of all or any two of the Territories that it is expedient that provision should be made by Order in Council for the exercise, from the dissolution of the Federation or from any earlier date, of judicial or executive functions specified in the agreement by institutions or bodies constituted jointly for those Territories, Her Majesty may by Order in Council make that provision.

(3) In so far as appears expedient for facilitating the transition to the state of affairs which will be produced by the dissolution of the Federation, an Order under this section may be made so as to make provision for any matter falling within the foregoing subsection, and specified in the Order, as from such time before the dissolution as may be so specified.

(4) The power conferred by subsection (1) of this section shall include power by Order in Council to make provision whereby any of the Territories ceases to be included in the Federation, and references in the foregoing provisions of this section to the dissolution of the Federation shall be construed accordingly.

Supplementary provisions as to Orders.

2.—(1) Any Order in Council under this Act may be varied or revoked by a subsequent Order in Council, or, to such extent as may be specified by Order in Council, in such other manner as may be so specified.

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

(3) The foregoing subsection shall not apply in relation to the making of an Order at any time before the 1st October 1963, but any Order so made shall be subject to annulment in pursuance of a Resolution of either House of Parliament.

Short title and interpretation.

3.—(1) This Act may be cited as the Rhodesia and Nyasaland Act 1963.

(2) In this Act—

“the Federation” has the meaning assigned by section 1(1) of this Act, and “Federal” shall be construed accordingly;

“the Territories” means Southern Rhodesia, Northern Rhodesia and Nyasaland, and “Territory” shall be construed accordingly.

(3) The powers conferred by this Act shall be in addition to, and not in derogation of, the powers conferred by any other enactment.

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## 1963 CHAPTER 35

### *Malaysia Act 1963*

#### ARRANGEMENT OF SECTIONS

##### Section

1. Malaysia.
2. Consequential modifications of British Nationality Acts.
3. Operation of existing law.
4. Power to make consequential provisions.
5. Judicial arrangements.
6. Short title and repeals.

##### SCHEDULES:

- Schedule 1—Exemptions from operation of s. 2(2) of Act.  
 Schedule 2—Provisions referred to in s. 3(2) of Act.  
 Schedule 3—Repeals.

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An Act to make provision for and in connection with the federation of North Borneo, Sarawak and Singapore with the existing States of the Federation of Malaya. [31st July 1963]

**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 enabling North Borneo, Sarawak and Singapore (in this Act referred to as “the new States”) to federate with the existing States of the Federation of Malaya (in this Act referred to as “the Federation”), the Federation thereafter being called Malaysia, on the day on which the new States are federated as aforesaid (in this Act referred to as “the appointed day”) Her Majesty’s sovereignty and jurisdiction in respect of the new States shall be relinquished so as to vest in the manner agreed between the United Kingdom of Great Britain and Northern Ireland, the Federation and the new States.

(2) Her Majesty may by Order in Council enact State Constitutions to take effect for the new States immediately before the appointed day.

Consequential  
modifications  
of British  
Nationality  
Acts.

2.—(1) On and after the appointed day the British Nationality Acts 1948 and 1958 shall have effect as if in subsection (3) of section 1 of the Act of 1948 (which provides for persons to be British subjects or Commonwealth citizens by virtue of citizenship of certain countries) for the words “the Federation of Malaya, the State of Singapore” there were substituted the word “Malaysia”.

(2) Save as provided by Schedule 1 to this Act, any person who immediately before the appointed day is a citizen of the United Kingdom and Colonies shall on that day cease to be such a citizen if on that day he becomes a citizen of the Federation.

(3) On and after the appointed day, section 6(2) 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 on the appointed day ceases to be such a citizen under subsection (2) of this section, or would have done so if living on the appointed day.

(4) Part III of the British Nationality Act 1948 (which contains supplemental provisions) shall have effect for the purposes of the foregoing subsection and Schedule 1 to this Act as if those provisions were included in that Act.

Operation  
of existing  
law.

3.—(1) On and after the appointed day all law which, whether being a rule of law or a provision of an Act of Parliament or of any other enactment or instrument whatsoever, is in force on that day or has been passed or made before that day and comes into force thereafter, shall, unless and until provision to the contrary is made by Parliament or some other authority having power in that behalf, and save as otherwise provided by this Act, have the same operation in relation to the Federation, to any of the States of the Federation, and to persons and things belonging to or connected with the Federation or any of the States thereof, as it would have apart from this subsection if the new States had not become included in the Federation and section 1 of this Act had not been passed.

(2) The enactments specified in Schedule 2 to this Act shall have effect on and after the appointed day in accordance with the provisions of that Schedule.

(3) This section applies to law of or of any part of the United Kingdom, the Channel Islands and the Isle of Man and, in relation only to any enactment of the Parliament of the United Kingdom or any Order in Council made by virtue of any such enactment whereby any such enactment applies in relation to the Federation or any territory which will be comprised therein on and after the appointed day, to law of any other country or territory to which that enactment or Order extends.



4.—(1) Her Majesty may by Order in Council make such adaptations in any Act of Parliament passed before the appointed day as appear to Her Majesty necessary or expedient in consequence of the new States becoming included in the Federation. Power to make consequential provisions.

(2) Any Order in Council made under subsection (1) of this section, and any Order in Council or other instrument made under any other enactment which varies or revokes a previous Order in Council or instrument in consequence of the new States becoming included in the Federation, may, though made after the appointed day, be made so as to have effect from that day.

(3) Any Order in Council under subsection (1) of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament, and may be varied or revoked by a subsequent Order in Council.

5.—(1) As from the appointed day, section 3 of the Federation of Malaya Independence Act 1957 (which provides for appeals from the Supreme Court of the Federation) shall have effect as if in subsection (1) the reference to the Supreme Court of the Federation included— Judicial arrangements.

(a) a reference to the Federal court thereof; and also

(b) as respects appeals brought after the appointed day from decisions of the Supreme Court of Sarawak, North Borneo and Brunei or the Supreme Court or Court of Criminal Appeal of Singapore given before that day (not being appeals to the Federal court), a reference to those Courts.

(2) Arrangements made in pursuance of the said section 3 may be made so as to apply to any appeal to Her Majesty in Council, or any application for leave to bring such an appeal, from a decision of any of the courts mentioned in paragraph (b) of the foregoing subsection which is pending on the appointed day; but except as aforesaid nothing in this Act shall be construed as continuing in force any right of appeal to Her Majesty in Council from any such court.

(3) References in subsection (1)(b) and (2) of this section to decisions of the Supreme Court of Sarawak, North Borneo and Brunei do not include references to decisions of that Court in the exercise of jurisdiction derived from any law of the State of Brunei.

6.—(1) This Act may be cited as the Malaysia Act 1963.

Short title and repeals.

(2) As from the appointed day the enactments specified in Schedule 3 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

## SCHEDULES

## Section 2.

## SCHEDULE 1

## EXEMPTIONS FROM OPERATION OF S. 2(2) OF ACT

1. Subject to paragraph 5 of this Schedule, a person shall not cease to be a citizen of the United Kingdom and Colonies under section 2(2) of this Act if he, his father or his father's father—

- (a) was born in the United Kingdom or in a colony; or
- (b) is or was a person naturalised in the United Kingdom and Colonies; or
- (c) was registered as a citizen of the United Kingdom and Colonies; or
- (d) became a British subject by reason of the annexation of any territory included in a colony.

2. A person shall not cease to be a citizen of the United Kingdom and Colonies under section 2(2) of this Act 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.

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

4. Subject to paragraph 5 of this Schedule, the reference in paragraph 1(b) of this Schedule to a person naturalised in the United Kingdom and Colonies shall include a person who would, if living immediately before the commencement of the British Nationality Act 1948, have become a person naturalised in the United Kingdom and Colonies by virtue of section 32(6) of that Act (which relates to persons given local naturalisation in a colony or protectorate before the commencement of that Act).

5. Any reference in paragraph 1 or 2 of this Schedule to a colony, protectorate or protected state shall, subject to the following paragraph, be construed as a reference to a territory which is a colony, protectorate or protected state on the appointed day; and paragraph 1 of this Schedule 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 a colony, protectorate or protected state on the appointed day.

6. The protectorates of Northern Rhodesia and Nyasaland shall be excepted from the operation of any reference in paragraph 2 or paragraph 5 of this Schedule to a protectorate.

## Section 3.

## SCHEDULE 2

## PROVISIONS REFERRED TO IN S. 3(2) OF ACT

1. References in the following enactments, that is to say—

- (a) the First Schedule to the Federation of Malaya Independence Act 1957, and the enactments amended by that Schedule,
- (b) section 2(4) of the Import Duties Act 1958,
- (c) section 8(2) of the Imperial Institute Act 1925, as amended by the Commonwealth Institute Act 1958,

(d) the definition of "excepted ship or aircraft" in paragraph 3 of the Third Schedule to the Emergency Laws (Repeal) Act 1959, and

(e) section 1(5) of the Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act 1961,

to the Federation shall be construed as references to the Federation as constituted on and after the appointed day.

2. In the Civil Aviation (Licensing) Act 1960, in section 2(7)(b) the expression "colony" shall be construed as not including any of the new States.

3. Section 1 of the Army and Air Force Act 1961 shall not empower the making of an Order in Council so as to continue the Army Act 1955 or the Air Force Act 1955 in force as part of the law of any of the new States.

SCHEDULE 3

Section 6.

REPEALS

| <i>Session and Chapter</i> | <i>Short Title</i>                         | <i>Extent of repeal</i>                                                                                                                        |
|----------------------------|--------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| 9 & 10 Geo. 6. c. 37.      | The Straits Settlements (Repeal) Act 1946. | The whole Act.                                                                                                                                 |
| 6 & 7 Eliz. 2. c. 59.      | The State of Singapore Act 1958.           | The whole Act.                                                                                                                                 |
| 8 & 9 Eliz. 2. c. 38.      | The Civil Aviation (Licensing) Act 1960.   | In section 2(7), in paragraph (a) the words "a citizen of the State of Singapore" and in paragraph (b) the words "a citizen of the said State" |

*Table of Statutes referred to in this Act*

| Short Title                                                                                             | Chapter                 |
|---------------------------------------------------------------------------------------------------------|-------------------------|
| Imperial Institute Act 1925 ... ..                                                                      | 15 & 16 Geo. 5. c. xvii |
| British Nationality Act 1948 ... ..                                                                     | 11 & 12 Geo. 6. c. 56.  |
| Army Act 1955 ... ..                                                                                    | 3 & 4 Eliz. 2. c. 18.   |
| Air Force Act 1955... ..                                                                                | 3 & 4 Eliz. 2. c. 19.   |
| Federation of Malaya Independence Act 1957 ...                                                          | 5 & 6 Eliz. 2. c. 60.   |
| 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.   |
| 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 & Air Force Act 1961 ... ..                                                                        | 9 & 10 Eliz. 2. c. 52.  |

**1963 CHAPTER 36***Deer Act 1963*

## ARRANGEMENT OF SECTIONS

## Section

1. Close seasons.
2. Nightly close times.
3. Unlawful weapons, etc.
4. Attempts to commit offences, etc.
5. Apprehension of offenders.
6. Forfeitures.
7. Seizure and disposal of forfeited articles.
8. Penalties.
9. Interpretation.
10. General exceptions.
11. Power to grant licences.
12. Orders.
13. Short title, extent and commencement.

## SCHEDULES :

Schedule 1—Close seasons.

Schedule 2—Prohibited firearms and ammunition.

An Act to provide close seasons for deer; to prohibit the killing and taking of deer by certain devices and at certain times and to restrict the use of vehicles in connection with the killing and taking of deer; and for purposes connected with the matters aforesaid.

[31st July 1963]

**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:—

Close seasons. 1.—(1) Subject to sections 10 and 11 of this Act, no person shall take or wilfully kill deer of any species and description mentioned in Schedule 1 to this Act during the close season prescribed by that Schedule in relation to deer of that species and description.

(2) The Secretary of State may by order amend the said Schedule by the addition of deer of any species not mentioned in that Schedule and of a close season for any description of deer of that species.

(3) Before making any such order as aforesaid the Secretary of State shall consult with any organisations that appear to him to represent persons likely to be interested in or affected by the order.

(4) If any person contravenes this section he shall be guilty of an offence.

(5) This section shall come into operation on 1st November 1963.

**2.** Subject to section 10 of this Act, any person who takes or wilfully kills any deer between the expiration of the first hour after sunset and the commencement of the last hour before sunrise shall be guilty of an offence. Nightly close times.

**3.—(1)** Subject to sections 10 and 11 of this Act, if any person— Unlawful weapons, etc.

- (a) sets in position any of the following articles, being an article which is of such a nature and so placed as to be calculated to cause bodily injury to any deer coming in contact therewith, that is to say, any trap, snare, or poisoned or stupefying bait ; or
- (b) uses for the purpose of killing or taking any deer any such article as aforesaid, whether or not of such a nature and so placed as aforesaid, or any net ; or
- (c) uses for the purpose of injuring or killing or taking any deer—
  - (i) any firearm or ammunition mentioned in Schedule 2 to this Act ;
  - (ii) any arrow, spear or similar missile ;
  - (iii) any missile, whether discharged from a firearm or otherwise, carrying or containing any poison, stupefying drug or muscle-relaxing agent,

he shall be guilty of an offence.

**(2)** Subject to the next following subsection, if any person—

- (a) discharges any firearm, or projects any missile, from any mechanically propelled vehicle at any deer ; or
- (b) uses any mechanically propelled vehicle for the purpose of driving deer,

he shall be guilty of an offence.

**(3)** The last foregoing subsection shall not apply to anything done by, or with the written authority of, the occupier of any enclosed land where deer are usually kept in relation to deer on that land.

**(4)** The Secretary of State may by order amend the said Schedule 2 by adding any firearm or ammunition or by altering the description of, or deleting, any firearm or ammunition mentioned in that Schedule.

**4.—(1)** Any person who attempts to commit an offence against this Act shall be guilty of an offence against this Act and shall be punishable in like manner as for the said offence. Attempts to commit offences, etc.

**(2)** Any person who, for the purpose of committing an offence against this Act, has in his possession any prohibited article or any firearm or ammunition shall be guilty of an offence.

Apprehension  
of offenders.

5. A constable may arrest without warrant any person he suspects with reasonable cause of committing any offence against this Act.

Forfeitures.

6. The court by which a person is convicted of an offence under this Act may order the forfeiture of any deer in respect of which that offence was committed or of any deer or any firearm, ammunition or prohibited article in his possession at the time of the offence.

Seizure and  
disposal of  
forfeited  
articles.

7.—(1) A constable may seize any deer, firearm, ammunition or prohibited article which is liable to be forfeited under section 6 of this Act.

(2) A constable may sell any deer seized under this section and the net proceeds of the sale shall be liable to forfeiture in the same manner as the deer sold :

Provided that no person shall be subject to any liability on account of his neglect or failure to exercise the powers conferred on him by this section.

Penalties.

8. A person guilty of an offence under this Act shall be liable on summary conviction to a fine not exceeding twenty pounds or, in the case of a second or subsequent conviction, to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

Interpretation.

9. For the purposes of this Act, unless the context otherwise requires—

1 Edw. 8. &  
1 Geo. 6.  
c. 12.

“ammunition” has the same meaning as in the Firearms Act 1937 ;

“deer” means deer of any species and includes the carcase of any deer or any part thereof ;

“firearm” has the same meaning as in the Firearms Act 1937 ;

“prohibited article” means any weapon or article (other than a firearm or ammunition) the use of which is prohibited by section 3(1)(b) or (c) of this Act ;

“vehicle” includes an aircraft.

General  
exceptions.

10.—(1) A person shall not be guilty of an offence against section 1 or section 2 of this Act by reason of any act done for the purpose of preventing suffering by an injured or diseased deer, or of an offence against section 3(1)(a) or (b) of this Act by reason of setting in position, or using, any trap or net for that purpose.

(2) Nothing in section 1 or section 2 of this Act shall make unlawful anything done in pursuance of a requirement by the Minister of Agriculture, Fisheries and Food under section 98 of the Agriculture Act 1947.

10 & 11  
Geo. 6. c. 48.

(3) A person shall not be guilty of an offence against section 1 or section 2 of this Act by reason of the taking or killing by means of shooting of any deer on any cultivated land, pasture or enclosed woodland if that person proves—

- (a) that he is the occupier of that land, pasture or woodland, or that he acted with the written authority of the occupier; and
- (b) that his action was necessary for the purpose of preventing serious damage to crops, vegetables, fruit, growing timber or any other form of property on that land, pasture or woodland.

11.—(1) A licence may be granted to any person by the Nature Conservancy exempting that person, and any person acting with his written authority, from the foregoing provisions of this Act in respect of any of the following acts done for the purpose of removing deer from one area to another or of taking deer alive for scientific or educational purposes, that is to say—

- (a) using any net, trap, stupefying drug or muscle-relaxing agent of a type authorised by the licence;
- (b) using any missile carrying or containing any such stupefying drug or muscle-relaxing agent and discharging any such missile by any means authorised by the licence.

(2) A licence granted under this section may be revoked at any time by the Nature Conservancy and may be granted subject to conditions; and, without prejudice to any other liability to a penalty which he may have incurred under this or any other Act, any person who contravenes or fails to comply with any condition imposed on the grant of a licence under this section shall be guilty of an offence and shall be liable to the like penalties in all respects as if he had been guilty of an offence against section 3 of this Act.

12.—(1) The power of the Secretary of State under this Act shall be exercisable by statutory instrument; and any statutory instrument made by virtue of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(2) Any order made under this Act may be varied or revoked by a subsequent order made in the like manner.

13.—(1) This Act may be cited as the Deer Act 1963.

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

(3) This Act, except where otherwise expressly provided, shall come into force at the expiry of one month beginning with the date of its passing.

Orders.  
Short title,  
extent and  
commence-  
ment.

## SCHEDULES

## Section 1.

## SCHEDULE 1

## CLOSE SEASONS

RED DEER [*Cervus elaphus*]

|           |     |     |                                      |
|-----------|-----|-----|--------------------------------------|
| Stags ... | ... | ... | 1st May to 31st July inclusive.      |
| Hinds     | ... | ... | 1st March to 31st October inclusive. |

FALLOW DEER [*Dama dama*]

|          |     |     |                                      |
|----------|-----|-----|--------------------------------------|
| Buck ... | ... | ... | 1st May to 31st July inclusive.      |
| Doe ...  | ... | ... | 1st March to 31st October inclusive. |

ROE DEER [*Capreolus capreolus*]

|         |     |     |                                      |
|---------|-----|-----|--------------------------------------|
| Doe ... | ... | ... | 1st March to 31st October inclusive. |
|---------|-----|-----|--------------------------------------|

SIKA DEER [*Cervus nippon nippon*]

|           |     |     |                                      |
|-----------|-----|-----|--------------------------------------|
| Stags ... | ... | ... | 1st May to 31st July inclusive.      |
| Hinds     | ... | ... | 1st March to 31st October inclusive. |

## Section 3.

## SCHEDULE 2

## PROHIBITED FIREARMS AND AMMUNITION

*Firearms*

1. Any smooth bore gun of less gauge than 12 bore.
2. Any rifle having a calibre of less than .240 inches or a muzzle energy of less than 1,700 foot pounds.
3. Any air gun, air rifle or air pistol.

*Ammunition*

4. Any cartridge for use in a smooth bore gun other than a cartridge purporting to be loaded with shot none of which is less in diameter than .269 inches.
5. Any bullet for use in a rifle other than a soft-nosed or hollow-nosed bullet.

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**1963 CHAPTER 37**
*Children and Young Persons Act 1963*

## ARRANGEMENT OF SECTIONS

## PART I

CARE AND CONTROL OF CHILDREN AND  
YOUNG PERSONS*Welfare powers of local authorities*

## Section

1. Extension of power to promote welfare of children.

*Children and young persons in need of care, protection or control*

2. Children and young persons in need of care, protection or control.
3. Children and young persons beyond control.
4. Power to send case under s. 62 of principal Act to local Juvenile court.



*Supervision orders and powers of court to deal with persons under supervision or in care of local authority*

Section

5. Supervision orders.
6. Extension of s. 66 of principal Act.
7. Extension of powers of juvenile court to deal with persons in the care of local authorities.

*Approved schools*

8. Selection of approved school.
9. Temporary committal of persons ordered to be sent to approved schools.
10. Escape of persons subject to approved school orders.
11. Designation of remand homes as classifying centres for persons ordered to be sent to approved schools.
12. Contributions in respect of persons transferred from schools in Scotland or Northern Ireland.
13. Contributions by persons detained in approved schools.
14. Duty of parents to notify changes of address to approved school or fit person.
15. Effect of approved school order on fit person or local authority.

*Juvenile courts and proceedings in connection with children and young persons*

16. Offences committed by children.
17. Constitution and place of sitting of juvenile courts.
18. Jurisdiction of magistrates' courts in certain cases involving children and young persons.
19. Assessors for recorder in appeals and committals from juvenile courts.
20. Constitution of London Sessions for purposes of committals from juvenile courts.
21. Abolition of special time limit for indictable offences in Sch. 1 to principal Act.
22. Children and young persons arrested and not released.
23. Children and young persons detained in places of safety.
24. Age limits for children sent to special reception centres.
25. Attendance at court of parents of child or young person brought before court.
26. Medical evidence by certificate.
27. Evidence of children in committal proceedings for sexual offences.
28. Form of oath for use in juvenile courts and by children and young persons in other courts.
29. Provisions as to persons between the ages of 17 and 18.

*Recovery of arrears of contributions*

30. Recovery of arrears of contributions.

*Increase of certain penalties*

31. Increase of penalty for cruelty.
32. Increase of penalty for sales of tobacco, etc., to persons under 16.

*New appeals*

33. New appeals.

## PART II

## EMPLOYMENT OF CHILDREN AND YOUNG PERSONS

*General provisions as to employment*

## Section

- 34. Hours of employment.
- 35. Street trading.
- 36. Increase of certain penalties.

*Entertainment*

- 37. Restriction on persons under 16 taking part in public performances, etc.
- 38. Restriction on licences for performances by children under 13.
- 39. Supplementary provisions as to licences under section 37.
- 40. Offences.
- 41. Licences for training persons between 12 and 16 for performances of a dangerous nature.
- 42. Licences for children and young persons performing abroad.
- 43. Extended powers of entry.

*Construction of Part II*

- 44. Construction of Part II.

## PART III

## MISCELLANEOUS AND GENERAL

*Research and financial assistance*

- 45. Research.
- 46. Financial assistance under s. 20 of Children Act 1948.
- 47. Power of local authority to guarantee apprenticeship deeds etc. of persons in their care.

*Children in respect of whom parental rights may be or have been assumed by local authority*

- 48. Extension of power of local authority to assume parental rights.
- 49. Harboursing or concealing child required to return to local authority.
- 50. Extension of power to appoint guardian.

*Persons under supervision changing country of residence*

- 51. Supervision of persons moving to Scotland.
- 52. Supervision orders by Scottish courts in respect of persons residing in England.

*Children and young persons escaping to other parts of British Islands*

- 53. Arrest in one part of British Islands of children or young persons escaping in other part.

*Amendment of Adoption Act 1958*

- 54. Extension of scope of Adoption Rules.
- 55. Emigration with consent of Secretary of State.

*Miscellaneous*

- 56. Prosecution of offences under Part I or Part II of principal Act.
- 57. Newspaper and broadcast reports of proceedings involving children and young persons.

## Section

58. Power of local authority to visit and assist persons formerly in their care.  
 59. Adjustment between local authorities of expenses of maintaining persons in remand homes.

*Supplementary provisions*

60. Expenses.  
 61. Effect of Act on general grants in England and Wales.  
 62. Effect of Act on general grants in Scotland.  
 63. Interpretation.  
 64. Amendments, transitional provisions, and repeals.  
 65. Citation, construction, commencement and extent.

## SCHEDULES:

- Schedule 1—Supervision orders.  
 Schedule 2—Constitution of juvenile courts.  
 Schedule 3—Minor and consequential amendments.  
 Schedule 4—Transitional provisions.  
 Schedule 5—Enactments repealed.

An Act to amend the law relating to children and young persons; and for purposes connected therewith.  
 [31st July 1963]

**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

## CARE AND CONTROL OF CHILDREN AND YOUNG PERSONS

*Welfare powers of local authorities*

1.—(1) It shall be the duty of every local authority to make available such advice, guidance and assistance as may promote the welfare of children by diminishing the need to receive children into or keep them in care under the Children Act 1948, the principal Act or the principal Scottish Act or to bring children before a juvenile court; and any provisions made by a local authority under this subsection may, if the local authority think fit, include provision for giving assistance in kind or, in exceptional circumstances, in cash.

Extension of power to promote welfare of children.

(2) In carrying out their duty under subsection (1) of this section a local authority may make arrangements with voluntary organisations or other persons for the provision by those organisations or other persons of such advice, guidance or assistance as is mentioned in that subsection.

(3) Where any provision which may be made by a local authority under subsection (1) of this section is made (whether by that or any other authority) under any other enactment the local authority shall not be required to make the provision under this section but shall have power to do so.

## PART I

(4) A local authority shall from time to time, and at least once in every twelve months, make to the Secretary of State such reports on the nature of the provisions made by them under this section as he may specify.

(5) In this section "child" means a person under the age of eighteen.

*Children and young persons in need of care, protection or control*

Children and young persons in need of care, protection or control.

2.—(1) A child or young person is in need of care, protection or control within the meaning of this Act if—

- (a) any of the conditions mentioned in subsection (2) of this section is satisfied with respect to him, and he is not receiving such care, protection and guidance as a good parent may reasonably be expected to give; or
- (b) he is beyond the control of his parent or guardian.

(2) The conditions referred to in subsection (1)(a) of this section are that—

- (a) he is falling into bad associations or is exposed to moral danger; or
- (b) the lack of care, protection or guidance is likely to cause him unnecessary suffering or seriously to affect his health or proper development; or
- (c) any of the offences mentioned in Schedule 1 to the principal Act has been committed in respect of him or in respect of a child or young person who is a member of the same household; or
- (d) he is a member of the same household as a person who has been convicted of such an offence in respect of a child or young person; or
- (e) the child or young person is a female member of a household a member of which has committed or attempted to commit an offence under section 10 of the Sexual Offences Act 1956.

(3) References in any enactment to a child or young person in need of care or protection shall be construed as references to a child or young person in need of care, protection or control within the meaning of this Act.

Children and young persons beyond control.

3.—(1) No child or young person shall be brought before a juvenile court by his parent or guardian on the ground that he is unable to control him; but where the parent or guardian of a child or young person has, by notice in writing, requested the local authority within whose area the child or young person resides to bring him before a juvenile court under section 62 of the principal Act and the local authority refuse to do so or fail to do so within twenty-eight days from the date on which the notice is given the parent or guardian may apply by complaint to a juvenile court for an order directing them to do so.

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(2) Where a complaint has been made under this section for an order against a local authority, the local authority shall make available to the court such information as to the home surroundings, school record, health and character of the child or young person as appears to them likely to assist the court and shall for that purpose make such investigations as may be necessary.

(3) On the hearing of a complaint under this section the child or young person shall not be present.

4. Where a child or young person is brought, under section 62 of the principal Act, before a juvenile court other than one acting for the petty sessions area in which he resides and the court is of opinion that he might be found to be in need of care, protection or control, the court may, instead of dealing with the case, direct that he be brought before a juvenile court acting for the petty sessions area in which he resides; and where the court so directs—

Power to send case under s. 62 of principal Act to local juvenile court.

- (a) it shall be the duty of the local authority in whose area the child or young person resides to bring him before such a court under the said section 62 within twenty-one days; and
- (b) the court may give such directions as appear to it necessary with regard to the custody of the child or young person until he can be brought before that juvenile court and shall cause the clerk of that juvenile court to be informed.

*Supervision orders and powers of court to deal with persons under supervision or in care of local authority*

5.—(1) Any supervision order (that is to say, any order made under any provision of the principal Act placing a child or young person under the supervision of a probation officer or of some other person appointed for the purpose by the court) which is made or amended after the commencement of this Act shall name the petty sessions area in which the person placed under supervision resides or will reside; and any powers exercisable by a juvenile court—

Supervision orders.

- (a) in relation to a supervision order so made or amended, shall be exercisable by a juvenile court acting for the petty sessions area for the time being named in the order; and
- (b) in relation to a supervision order made before and not amended after the commencement of this Act, shall be exercisable by a juvenile court acting for the petty sessions area in which the person placed under supervision resides.

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(2) Any supervision order (whether made before or after the commencement of this Act) which places a person under the supervision of a probation officer shall have effect as an order placing him under the supervision of a probation officer appointed for or assigned to the petty sessions area for the time being named in the order (or, if none is named in the order, the petty sessions area in which that person resides) and selected in accordance with Schedule 1 to this Act.

(3) A local authority may be appointed as the person under whose supervision a person is placed by a supervision order but, except where that person resides or will reside in their area, shall not be so appointed without their consent.

(4) The provisions of Schedule 1 to this Act (which reproduce the effect of certain enactments relating to supervision orders with amendments consequential on the preceding provisions of this section and certain other amendments) shall have effect with regard to supervision orders, whether made before or after the commencement of this Act.

(5) In this section and Schedule 1 to this Act, " petty sessions area " includes a division of the metropolitan area referred to in Part II of Schedule 2 to this Act.

Extension  
of s. 66 of  
principal Act.

6.—(1) The powers of the juvenile court before which a person is brought under section 66(1) of the principal Act by a probation officer or other person under whose supervision he was placed by an order under that Act shall include power—

- (a) to order his parent or guardian to enter into a recognizance to exercise proper care and guardianship; and
- (b) in a case where the court orders him to be sent to an approved school or commits him to the care of a fit person, to revoke the order placing him under the supervision of the person by whom he is brought before the court;

and where the court exercises its power under paragraph (b) of this subsection to revoke the order mentioned therein, section 76 of the principal Act (which authorises committal to the care of a local authority) shall apply as it applies where no such order is in force.

The Magistrates' Courts Act 1952 shall apply in relation to a recognizance under this subsection as it applies in relation to a recognizance to be of good behaviour.

(2) The age up to which a person may be brought before the court and dealt with under the said section 66 shall be eighteen instead of seventeen years.

7.—(1) For section 65 of the principal Act there shall be substituted the following section:—

“ 65.—(1) Where a local authority satisfy a juvenile court that a child or young person in their care under section 1 of the Children Act 1948 is refractory and the court thinks it expedient to do so, the court may—

- (a) order him to be sent to an approved school ; or
- (b) commit him to the care of a fit person (other than that local authority) whether a relative or not, who is willing to undertake the care of him ;

and where the court commits him to the care of a fit person and that person consents, it may also, if it thinks it expedient to do so, make an order placing the child or young person for a specified period, not exceeding three years, under the supervision of a probation officer or of some other person appointed for the purpose by the court.

(2) Where a child or young person is in the care of a local authority by virtue of an order under the Matrimonial Proceedings (Children) Act 1958 or the Matrimonial Proceedings (Magistrates' Courts) Act 1960 the local authority may, with the leave of the court having power to vary or revoke the order, apply to a juvenile court under this section ; and if on such an application they satisfy the juvenile court that the child or young person is refractory and the court thinks it expedient to do so, the court may order him to be sent to an approved school.”

(2) For subsection (8) of section 84 of the principal Act there shall be substituted the following subsection:—

“ (8) Where a local authority are of opinion that it is desirable to do so in the interests of a child or young person who has been committed to their care, they may apply to a juvenile court, and that court may, if it thinks it desirable in his interests to do so, revoke the order committing him to their care and, where it revokes that order—

- (a) commit him to the care of another fit person, whether a relative or not, who is willing to undertake the care of him ; or
- (b) order him to be sent to an approved school ; or
- (c) order his parent or guardian to enter into a recognizance to exercise proper care and guardianship ; or
- (d) without making any other order, or in addition to an order under paragraph (a) or paragraph (c) of this subsection, make an order placing him for a specified period, not exceeding three years, under the supervision of a probation officer, or of some other person appointed for the purpose by the court.

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Extension of powers of juvenile court to deal with persons in the care of local authorities.

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The Magistrates' Courts Act 1952 shall apply in relation to a recognizance under this subsection as it applies in relation to a recognizance to be of good behaviour."

*Approved schools*

Selection of approved school.

8.—(1) The school to which a person is to be sent in pursuance of an approved school order shall not be specified in the order; but the order shall be authority for his detention in any approved school and the school in which he is to be detained at any time shall be determined by the Secretary of State.

(2) In determining the approved school in which a person is to be detained the Secretary of State shall, where practicable, select a school for persons of the religious persuasion to which he belongs.

(3) If the parent, guardian or nearest adult relative of a person in respect of whom an approved school order has been made applies to a juvenile court for an order under this subsection and proves to the court that the religious persuasion of that person is not as declared (under section 70(1) of the principal Act) by the approved school order, the court shall by order declare the religious persuasion of that person to be that so proved and send a copy of its order to the Secretary of State; but no such application with respect to a person under the care of the managers of an approved school shall be made later than thirty days after his arrival there.

(4) An application under subsection (3) of this section may be made—

- (a) if the approved school order was made by a juvenile or other magistrates' court, to a juvenile court acting for the same petty sessions area as that court;
- (b) in any other case, to a juvenile court acting for the petty sessions area in which the applicant resides.

Temporary committal of persons ordered to be sent to approved schools.

9.—(1) Every approved school order shall take effect immediately, but shall provide for such time (if any) as may elapse before the person to whom it relates can be sent to an approved school by committing him either—

- (a) to custody in a place specified in accordance with subsection (3) of this section; or
- (b) to the custody of a fit person to whose care he might have been committed under the principal Act.

(2) Any provision made in pursuance of subsection (1) of this section shall, unless extended under this subsection, cease to have effect at the expiration of twenty-eight days; and any such provision may, on the application of any person, be varied, and from time to time extended for not more than twenty-eight days, by a juvenile court, and may be so extended in the absence of the person to whom it relates.



(3) The places to which a person may be committed in custody in pursuance of subsection (1)(a) of this section are—

- (a) if the approved school order is made on a conviction or finding of guilt, any place to which he might have been committed on remand ; and
- (b) in any other case, any place of safety.

(4) If a juvenile court which proposes to make or vary such a provision as is mentioned in subsection (1) of this section in respect of a person who has attained the age of fourteen is satisfied that he is of so unruly a character that he cannot safely be detained in a remand home or other place of safety or of so depraved a character that he is not fit to be so detained, and 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 his class or description, the remand centre may for the purposes of that provision be treated as a place of safety.

(5) Subsections (2) to (4) of section 6 of the Children and Young Persons Act 1938 (which make provision for children and young persons needing medical treatment while in a place of safety) shall with the necessary modifications apply in relation to an approved school order providing for the temporary detention of a person in a remand home or other place of safety as they apply in relation to such orders as are mentioned in subsection (2) of that section.

10.—(1) If a person has, in pursuance of section 9 of this Act, been committed by an approved school order to custody in any place other than a prison, remand home, remand centre or special reception centre or to the custody of a fit person, and he escapes or is without lawful authority taken from that custody, he may be arrested without warrant in any part of the United Kingdom, the Channel Islands or the Isle of Man.

Escape of persons subject to approved school orders.

(2) Subject to subsection (3) of this section, a person arrested under subsection (1) of this section shall be brought back to the place from which, or as the case may be to the person from whom, he escaped or was taken.

(3) If the occupier of that place or that person is not willing to receive him, he shall be brought before a juvenile court with a view to the variation of the approved school order under subsection (2) of the said section 9.

(4) Any person who is arrested under section 82(1) of the principal Act (which relates to the escape of persons sent to approved schools) after having escaped from any hospital, home or institution or after having run away from the person in whose charge he was may, instead of being brought back to

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his school, be brought back to the hospital, home or institution from which he escaped or, as the case may be, to the person in whose charge he was ; and the expenses of bringing a person back in accordance with this subsection shall be borne by the managers of his school.

(5) Subsection (2) of the said section 82 (which provides for increasing the period of detention of a person brought back to his school) shall extend to any person brought back (whether to his school or elsewhere) after escaping or being taken away from the place in which or the person in whose custody he was after the making of an approved school order in respect of him.

(6) Any person who—

- (a) knowingly assists or induces a person to escape from any such custody as is referred to in subsection (1) of this section, or
- (b) without lawful authority takes a person away from such custody, or
- (c) knowingly harbours or conceals a person who has so escaped or has been so taken away or prevents him from returning,

shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both.

Designation of remand homes as classifying centres for persons ordered to be sent to approved schools.

11.—(1) The Secretary of State may with the consent of a local authority providing a remand home designate the remand home as a classifying centre for persons who have been ordered to be sent to an approved school and may at any time cancel such a designation.

(2) To the extent that a remand home for the time being designated under this section is used as a classifying centre the provisions of the enactments specified in subsection (4) of this section shall apply in relation to it and to persons detained in it as they apply in relation to an approved school and to persons detained in an approved school ; and accordingly section 78(4) of the principal Act (which relates to persons escaping from remand homes) shall not apply in relation to persons detained in a classifying centre in pursuance of this section.

(3) The Secretary of State may, after consulting the local authority providing a remand home which has been or is to be designated under this section, direct that so much of their expenses in providing and maintaining the home as is attributable to its use as a classifying centre shall be treated for the purposes of sections 90 and 104 of the principal Act as if they were expenses incurred by the authority as managers of an approved school.

(4) The enactments referred to in subsection (2) of this section are—

- (a) in the principal Act, sections 58, 72, 81 to 83 and 106 and Schedule 4 except paragraphs 1 to 3, 7 and 14 ;
- (b) section 72 of the Criminal Justice Act 1948 ;
- (c) section 79 of the Mental Health Act 1959 ;
- (d) sections 15 to 17 of the Criminal Justice Act 1961 ;
- (e) any enactment contained in this Act.

12. Where a person has been transferred to an approved school under section 83 of the principal Act (which enables persons detained in schools in Scotland or Northern Ireland to be transferred to approved schools in England or Wales) sections 86 to 89 of that Act (which relate to contributions) shall apply in relation to him as if the order under which he was detained before his transfer were an approved school order.

Contributions in respect of persons transferred from schools in Scotland or Northern Ireland.

13. Notwithstanding anything in section 24 of the Children Act 1948, no person under the care of the managers of an approved school shall be liable under section 86 of the principal Act to make contributions in respect of himself to a local authority ; but any such person who is engaged in remunerative work shall pay to the managers such weekly sum towards their expenses as the Secretary of State may determine, but not in respect of any period during which he is out from the school under supervision.

Contributions by persons detained in approved schools.

14.—(1) The parent of a person who is detained in an approved school or is in the care of a fit person in pursuance of an order under the principal Act shall keep the managers of the approved school or, as the case may be, the fit person informed of the parent's address.

Duty of parents to notify changes of address to approved school or fit person.

(2) Where a person is transferred from one approved school to another the managers of the school from which he is transferred shall, where possible, inform his parents of the transfer ; and until his parent has been so informed, the parent's duty under subsection (1) of this section shall be deemed to be duly discharged if he keeps the managers of the first-mentioned school informed of his address.

(3) Where, in pursuance of subsection (1) of this section, the managers of an approved school or a local authority are informed of a change in a parent's address they shall give notice of the new address to the local authority in whose area the parent was residing before the change.

(4) A parent of a person who, knowing that that person is detained in an approved school or in the care of a fit person as mentioned in subsection (1) of this section, fails to comply with that subsection shall be liable on summary conviction to

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a fine not exceeding five pounds ; but in any proceedings under this subsection it shall be a defence to prove that the defendant was residing at the same address as the other parent and had reasonable cause to believe that the other parent had kept the managers or fit person informed of the address of both.

(5) Section 87(5) of the principal Act (which requires a person on whom a contribution order has been made to notify changes in his address) shall cease to have effect.

Effect of approved school order on fit person or local authority.

15.—(1) Where a person has been committed by order of a court to the care of a fit person and, while the order is in force, an approved school order is made in respect of him, the order committing him to the care of that person shall be of no effect while he is under the care of the managers of an approved school ; but this section shall not affect the power of the Secretary of State under subsection (4) of section 84 of the principal Act to discharge him from the care of the person to whose care he has been committed by the first-mentioned order or the power of the court under subsection (6) of that section to vary or revoke that order.

(2) Where a person has ceased to be in the care of a local authority by virtue of subsection (1) of this section or of section 6(3) of the Children Act 1948 (which makes similar provision with respect to children in the care of a local authority under section 1 of that Act), or where a juvenile court, under section 84(8) of the principal Act, has revoked an order committing a person to the care of a local authority and made an approved school order in respect of him, the local authority may, while that person is under the care of the managers of an approved school but not out under supervision, cause him to be visited and befriended, and may, in exceptional circumstances, make payments for his welfare.

*Juvenile courts and proceedings in connection with children and young persons*

Offences committed by children.

16.—(1) Section 50 of the principal Act shall be amended by substituting therein the word “ ten ” for the word “ eight ”.

(2) In any proceedings for an offence committed or alleged to have been committed by a person of or over the age of twenty-one, any offence of which he was found guilty while under the age of fourteen shall be disregarded for the purposes of any evidence relating to his previous convictions ; and he shall not be asked, and if asked shall not be required to answer, any question relating to such an offence, notwithstanding that the question would otherwise be admissible under section 1 of the Criminal Evidence Act 1898.

Constitution and place of sitting of juvenile courts.

17.—(1) For Schedule 2 to the principal Act (which relates to the constitution of juvenile courts) there shall be substituted Schedule 2 to this Act.

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(2) In section 47(2) of the principal Act (which relates to sittings of juvenile courts) for the words from "subject as hereinafter provided" to "other courts are held" there shall be substituted the words "not sit in a room in which sittings of a court other than a juvenile court are held if a sitting of that other court has been or will be held there within an hour before or after the sitting of the juvenile court".

18. Notwithstanding section 46(1) of the principal Act (which restricts the jurisdiction of magistrates' courts which are not juvenile courts in cases where a child or young person is charged with an offence) a magistrates' court which is not a juvenile court may hear an information against a child or young person if he is charged—

Jurisdiction of magistrates' courts in certain cases involving children and young persons.

- (a) with aiding, abetting, causing, procuring, allowing or permitting an offence with which a person who has attained the age of seventeen is charged at the same time; or
- (b) with an offence arising out of circumstances which are the same as or connected with those giving rise to an offence with which a person who has attained the age of seventeen is charged at the same time.

19.—(1) Where a court of quarter sessions for a borough deals with a case on appeal from a juvenile court or with the case of a person committed by a juvenile court to quarter sessions under section 28 of the Magistrates' Courts Act 1952 or section 67 of the Mental Health Act 1959, the recorder shall, where practicable, be assisted by two members of a juvenile court panel, who shall sit with him and act as assessors.

Assessors for recorder in appeals and committals from juvenile courts.

(2) Where in any case only one such member is available the recorder may sit with that member, and where in any case no such member is available and it appears to the recorder that an adjournment would not be in the interests of justice, he may sit alone.

(3) The Lord Chancellor may by rules made by statutory instrument make provision for the selection of justices to act under subsection (1) of this section and for securing their presence on the bench, and those rules shall secure that, so far as practicable, of any two justices assisting the recorder one is a man and one a woman.

(4) Except where rules under the preceding subsection otherwise provide, the said justices shall be selected from the juvenile court panel for the borough (or, if the borough is part of an area for which a combined panel has been formed in pursuance of Schedule 2 to this Act, the juvenile court panel for that area).

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(5) Rules under subsection (3) of this section may provide, in the case of any borough or class of borough, either—

- (a) that the said justices shall be selected also from the juvenile court panel for any other area which includes part of the county in which the borough is situated (or, in the case of a county borough, of a county which has a common boundary with it); or
- (b) that they shall be so selected instead of being selected from the panel mentioned in subsection (4) of this section.

Constitution of London Sessions for purposes of committals from juvenile courts.

20. For the purpose of dealing with the case of a person committed by a juvenile court under section 28 of the Magistrates' Courts Act 1952 or section 67 of the Mental Health Act 1959 a court of quarter sessions for the county of London shall be constituted in accordance with the provisions of section 8 of the Summary Jurisdiction (Appeals) Act 1933, as modified in their application to appeals from a juvenile court by section 18(4) of the Criminal Justice Administration Act 1956.

Abolition of special time limit for indictable offences in Sch. 1 to principal Act.

21. Section 14(3) of the principal Act (which, as respects the summary trial of the offences mentioned in Schedule 1 to that Act, makes provision, similar to that made as respects summary trial generally by section 104 of the Magistrates' Courts Act 1952, for limiting the time within which proceedings may be begun but, unlike that section, extends to summary trial under section 19, 20 or 21 of the said Act of 1952) is hereby repealed.

Children and young persons arrested and not released.

22.—(1) Where a person apparently under the age of seventeen has been arrested without warrant for an offence and is neither brought forthwith before a magistrates' court nor released, he shall be brought before a magistrates' court within seventy-two hours unless an officer of police of a rank not less than inspector certifies to a magistrates' court within that period that by reason of illness or accident the said person cannot be brought before the court.

(2) Where in pursuance of this section a person is brought before a magistrates' court or a certificate relating to any person is produced to a magistrates' court, the court may remand him.

Children and young persons detained in places of safety.

23.—(1) A court or justice of the peace—

- (a) authorising any person under section 26(6) or section 67(1) of the principal Act to take a child or young person to a place of safety; or
- (b) issuing a warrant under section 40 of that Act authorising a constable to take a child or young person to a place of safety; or
- (c) ordering the removal of a child or young person to a place of safety under section 7 of the Children Act 1958 or section 43 of the Adoption Act 1958;

shall specify in the warrant, authority or order a period, which shall not exceed twenty-eight days, beyond which the child or young person must not be detained in a place of safety without being brought before a juvenile court; and accordingly the child or young person shall be brought before a juvenile court not later than the end of that period unless he has been released or received into the care of a local authority.

(2) Where a child or young person has taken refuge in a place of safety or has been taken there otherwise than under the authority of a court or justice of the peace, he shall be brought before a juvenile court or a justice of the peace within the period of eight days beginning with the day when he arrived at the place of safety, unless he has been released or received into the care of a local authority.

(3) A child or young person required to be brought before a juvenile court or a justice of the peace under subsection (1) or subsection (2) of this section shall (if not otherwise brought before the court or justice) be brought before the court or justice by the local authority in whose area the place of safety is situated; and the person occupying or in charge of a place of safety not provided by that local authority shall as soon as practicable notify that local authority whenever a child or young person takes refuge there or is taken there as mentioned in subsection (1) or subsection (2) of this section.

(4) Notwithstanding anything in the preceding provisions of this section, where the person to be brought before a court or justice is under the age of five or cannot be brought before the court or justice by reason of illness or accident, the duty to bring him before the court or justice may be discharged by the making of an application for an order under subsection (5) of this section.

(5) Where a person is brought before a juvenile court or justice of the peace in pursuance of subsection (3) of this section or an application is made in respect of any person to a juvenile court or justice of the peace in pursuance of subsection (4) thereof, the court or justice may either order him to be released or make an interim order for his detention in a place of safety, or for his committal to the care of a fit person, whether a relative or not, who is willing to undertake the care of him.

(6) An interim order under this section shall cease to have effect—

- (a) if made by a juvenile court, not later than twenty-eight days after it is made; and
- (b) if made otherwise than by a juvenile court, not later than twenty-eight days after the person in respect of whom it is made arrived at the place of safety;

but if before the expiration of that period a juvenile court thinks it expedient to do so it may make a further interim order under

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this section, and, where the person concerned is under the age of five or cannot be brought before the court by reason of illness or accident, may do so in his absence.

(7) Subsections (2) to (4) of section 6 of the Children and Young Persons Act 1938 (which make provision for children and young persons needing medical treatment while in a place of safety) shall with the necessary modifications apply in relation to orders under this section as they apply in relation to such orders as are mentioned in subsection (2) of that section.

(8) In this section "young person" includes a person of or over the age of seventeen who is about to be brought before a juvenile court under section 66 of the principal Act.

Age limits for children sent to special reception centres.

**24.**—(1) In the proviso to subsection (1) and in subsection (5A) of section 27 of the Criminal Justice Act 1948 (which empower a court which remands a child under the age of twelve to send him to a special reception centre or to transfer him to or from such a centre) for the words "twelve years of age" there shall be substituted the words "fifteen years of age".

(2) On the coming into force of an Order in Council under section 35 of the Education Act 1944 (which enables the compulsory school age to be raised to sixteen years) subsection (1) of this section shall have effect as if for the word "fifteen" there were substituted the word "sixteen".

(3) After subsection (5B) of the said section 27 there shall be inserted the following subsection:—

"(5C) Before exercising its powers under the proviso to subsection (1) of this section or under subsection (5A) of this section in relation to a person who has attained the age of twelve the court, unless to do so would in its opinion cause undue delay, shall permit the local authority providing the centre to make representations to the court as to the exercise of those powers and shall consider any representation so made."

Attendance at court of parents of child or young person brought before court.

**25.**—(1) For section 34 of the principal Act there shall be substituted the following section:—

"34.—(1) Where a child or young person is charged with any offence or is for any other reason brought before a court, any person who is a parent or guardian of his may be required to attend at the court before which the case is heard or determined during all the stages of the proceedings, and any such person shall be so required at any stage where the court thinks it desirable, unless the court is satisfied that it would be unreasonable to require his attendance.

(2) Where a child or young person is arrested or taken to a place of safety, such steps shall be taken as may be



practicable to inform at least one person whose attendance may be required under this section ”.

(2) Where a person apparently under the age of seventeen who has been arrested and charged with an offence is released under section 32(1) of the principal Act on his parent or guardian entering into a recognizance to secure his attendance upon the hearing of the charge, the recognizance may be conditioned for the attendance at the hearing of the parent or guardian as well as the person charged.

26. In any proceedings, other than proceedings for an offence, before a juvenile court, and on any appeal from a decision of a juvenile court in any such proceedings, any document purporting to be a certificate of a fully registered medical practitioner as to any person’s physical or mental condition shall be admissible as evidence of that condition. Medical evidence by certificate.

27.—(1) In any proceedings before a magistrates’ court inquiring into a sexual offence as examining justices— Evidence of children in committal proceedings for sexual offences.

(a) a child shall not be called as a witness for the prosecution ; but

(b) any statement made in writing by or taken in writing from the child shall be admissible in evidence of any matter of which his oral testimony would be admissible ;

except in a case where the application of this subsection is excluded under subsection (2) of this section.

(2) Subsection (1) of this section shall not apply—

(a) where at or before the time when such a statement is tendered in evidence the defence objects to the application of that subsection ; or

(b) where the prosecution requires the attendance of the child for the purpose of establishing the identity of any person ; or

(c) where the court is satisfied that it has not been possible to obtain from the child a statement that may be given in evidence under this section ; or

(d) where the inquiry into the offence takes place after the court has discontinued to try it summarily and the child has given evidence in the summary trial.

(3) Section 23 of the Magistrates’ Courts Act 1952 (which, in a case where an inquiry into an offence is followed by summary trial, treats evidence given for the purposes of the inquiry as having been given for the purposes of the trial) shall not apply to any statement admitted in pursuance of subsection (1) of this section.

(4) In this section “ sexual offence ” means any offence under the Sexual Offences Act 1956 or the Indecency with Children Act 1960, or any attempt to commit such an offence.

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Form of oath for use in juvenile courts and by children and young persons in other courts.

28.—(1) Subject to subsection (2) of this section, in relation to any oath administered to and taken by any person before a juvenile court or administered to and taken by any child or young person before any other court, section 2 of the Oaths Act 1909 shall have effect as if the words “I promise before Almighty God” were set out in it instead of the words “I swear by Almighty God that”.

(2) Where in any oath otherwise duly administered and taken either of the forms mentioned in this section is used instead of the other, the oath shall nevertheless be deemed to have been duly administered and taken.

Provisions as to persons between the ages of 17 and 18.

29.—(1) Where proceedings in respect of a young person are begun before a juvenile court under section 62 or section 65 of the principal Act and he attains the age of seventeen before the conclusion of the proceedings, the court may continue to deal with the case and make any order which it could have made if he had not attained that age.

(2) Where, in any such proceedings, or in proceedings under section 66, 84(8) or 85(1) of the principal Act, a court makes in respect of a person who has attained the age of seventeen an order sending him to an approved school, committing him to the care of a fit person, or placing him under the supervision of a probation officer or of some other person appointed for the purpose by the court, the provisions of any enactment relating to the making of such an order and of any enactment relating to persons so sent, committed or placed, shall apply in relation to him as they apply in relation to persons who have not attained the age of seventeen.

*Recovery of arrears of contributions*

Recovery of arrears of contributions.

30.—(1) Where during any period (in this section referred to as “the period of default”)—

- (a) a person was liable to make contributions in respect of a child ; but
- (b) no order was in force requiring him to make the contributions ;

a magistrates’ court acting for the petty sessions area where he is for the time being residing may, on the application of the person who would have been entitled to receive payment under such an order, make an order (in this section referred to as an “arrears order”) requiring him to pay such weekly sum, for such period, as the court, having regard to his means, thinks fit ; but the aggregate of the payments required to be made by any person under an arrears order shall not exceed the aggregate that, in the opinion of the court, would have been payable by him under a contribution order in respect of the

period of default or, if it exceeded three months, the last part thereof, less the aggregate of the payments (if any) made by him in respect of his liability during that period or, as the case may be, the last part thereof.

For the purposes of this subsection the last part of the period of default shall be taken to be the last three months thereof and such time, if any, preceding the last three months as is equal to the time during which it continued after the making of the application for the arrears order.

(2) No application for an arrears order shall be made later than three months after the end of the period of default.

(3) An arrears order shall be treated as a contribution order, and payments under it as contributions, for the purposes of the following enactments, that is to say—

in the principal Act, subsections (3) and (4) of section 86, sections 87(4), 89 and 102(1)(c),

the Maintenance Orders Act 1950,

the Maintenance Orders Act 1958,

paragraph 2 of Schedule 8 to the Local Government Act 1958.

(4) Where the person who was liable to make contributions resides in Scotland or Northern Ireland, subsection (1) of this section shall have effect as if for the magistrates' court therein mentioned there were substituted a magistrates' court acting for the petty sessions area where the applicant is for the time being residing or, where the applicant is a local authority, a magistrates' court acting for the area or part of the area of the local authority.

(5) A person liable to make payments under an arrears order shall, except at a time when he is under a duty to give information of his address under section 14(1) of this Act, keep the person to whom the payments are to be made informed of his address; and if he fails to do so he shall be liable on summary conviction to a fine not exceeding five pounds.

(6) In this section—

“ child ” has the same meaning as in the Children Act 1948,

“ contributions ” means contributions under section 86 of the principal Act, and

“ contribution order ” means an order under section 87 of the principal Act.

## PART I

*Increase of certain penalties*

Increase of penalty for cruelty.

**31.** In section 1 of the principal Act (cruelty to persons under sixteen) paragraph (b) of subsection (1) (which provides for a fine not exceeding twenty-five pounds on summary conviction) shall be amended, as respects offences committed after the commencement of this Act, by the substitution for the words "twenty-five pounds" of the words "one hundred pounds".

Increase of penalty for sales of tobacco, etc., to persons under 16.

**32.** Section 7 of the principal Act and section 18 of the principal Scottish Act (which, in subsection (1), prohibit the sale of tobacco and cigarette papers to persons apparently under the age of sixteen and, in subsection (2), enable a court to order measures to be taken to prevent the use by such persons of automatic machines for the sale of tobacco) shall each be amended, as respects offences committed after the commencement of this Act, by substituting—

- (a) in subsection (1) (which provides for fines not exceeding two, five and ten pounds on a first, second or subsequent conviction) for the words "two", "five" and "ten" the words "twenty-five", "fifty" and "one hundred", respectively; and
- (b) in subsection (2) (which provides for fines not exceeding five pounds for failure to comply with the order of the court and further fines not exceeding one pound for each day during which the offence continues) for the words "five" and "one" the words "fifty" and "ten", respectively.

*New appeals*

New appeals.

**33.**—(1) Any person aggrieved by the decision of a juvenile court given after the commencement of this Act on an application under section 84(6) of the principal Act for the variation or revocation of an order committing a person to the care of a fit person may appeal against the decision to a court of quarter sessions.

(2) The grounds upon which a local authority named in an approved school order made after the commencement of this Act may appeal and the court substitute the name of another local authority under subsection (2) of section 90 of the principal Act shall include the ground that the person to whom the order relates is not known to have been resident within the district of any local authority and that the authority named in the order was not, but that other authority was, the local authority or one of the local authorities within whose district the offence was committed or the circumstances arose rendering him liable to be sent to an approved school.

## PART II

## EMPLOYMENT OF CHILDREN AND YOUNG PERSONS

*General provisions as to employment*

**34.** For paragraph (c) of section 18(1) of the principal Act (which prohibits the employment of children before six o'clock in the morning or after eight o'clock in the evening) and for paragraph (c) of section 28(1) of the principal Scottish Act (which prohibits such employment before six o'clock in the morning or after seven o'clock in the evening, or at certain times of the year eight o'clock in the evening) there shall be substituted the following paragraph:—

“ (c) before seven o'clock in the morning or after seven o'clock in the evening on any day ; or ”.

**35.—**(1) In section 20(1) of the principal Act (which, subject to certain exceptions, prohibits persons under the age of sixteen from engaging or being employed in street trading) for the word “sixteen”, in both places where it occurs, there shall be substituted the word “seventeen”.

(2) Nothing in the said section 20 or section 30 of the principal Scottish Act or in any byelaw made under either of those sections shall restrict the engagement or employment of any person in the carrying on in any place of a retail trade or business (within the meaning of the Shops Act 1950) on any occasion on which it is customary for retail trades or businesses to be carried on in that place.

(3) At the end of the said section 20 there shall be added the following subsection:—

“ (3) No person under the age of eighteen shall on a Sunday engage or be employed in street trading of a description to which, notwithstanding section 58 of the Shops Act 1950 (which extends certain provisions to any place where a retail trade or business is carried on), those provisions do not extend.”

**36.** Section 21 of the principal Act and section 31 of the principal Scottish Act (which impose penalties for contraventions of the general provisions of those Acts as to employment) shall each be amended, as respects offences committed after the commencement of this Act, as follows:—

(a) in subsection (1) (which provides for fines not exceeding five pounds and twenty pounds for first and subsequent offences respectively) for the words “ five pounds ” there shall be substituted the words “ twenty pounds ” and for the words “ twenty pounds ” the words “ fifty pounds ”; and

## PART II

- (b) in subsection (3) (which provides for fines of twenty shillings and forty shillings for first and subsequent offences respectively) for the words "twenty shillings" there shall be substituted the words "ten pounds" and for the words "forty shillings" the words "twenty pounds".

*Entertainment*

Restriction on persons under 16 taking part in public performances, etc.

37.—(1) Subject to the provisions of this section, a child shall not take part in a performance to which this section applies except under the authority of a licence granted by the local authority in whose area he resides or, if he does not reside in Great Britain, by the local authority in whose area the applicant or one of the applicants for the licence resides or has his place of business.

(2) This section applies to—

- (a) any performance in connection with which a charge is made (whether for admission or otherwise);
- (b) any performance in licensed premises within the meaning of the Licensing Act 1953 or the Licensing (Scotland) Act 1959 or in premises in respect of which a club is registered under the said Act of 1959 or the Licensing Act 1961;
- (c) any broadcast performance;
- (d) any performance recorded (by whatever means) with a view to its use in a broadcast or in a film intended for public exhibition;

and a child shall be treated for the purposes of this section as taking part in a performance if he takes the place of a performer in any rehearsal or in any preparation for the recording of the performance.

(3) A licence under this section shall not be required for any child to take part in a performance to which this section applies if—

- (a) in the six months preceding the performance he has not taken part in other performances to which this section applies on more than three days; or
- (b) the performance is given under arrangements made by a school (within the meaning of the Education Act 1944 or the Education (Scotland) Act 1962) or made by a body of persons approved for the purposes of this section by the Secretary of State or by the local authority in whose area the performance takes place, and no payment in respect of the child's taking part in the performance is made, whether to him or to any other person, except for defraying expenses;

**PART II**

but the Secretary of State may by regulations made by statutory instrument prescribe conditions to be observed with respect to the hours of work, rest or meals of children taking part in performances as mentioned in paragraph (a) of this subsection.

(4) The power to grant licences under this section shall be exercisable subject to such restrictions and conditions as the Secretary of State may by regulations made by statutory instrument prescribe and a local authority shall not grant a licence for a child to take part in a performance or series of performances unless they are satisfied that he is fit to do so, that proper provision has been made to secure his health and kind treatment and that, having regard to such provision (if any) as has been or will be made therefor, his education will not suffer; but if they are so satisfied, in the case of an application duly made for a licence under this section which they have power to grant, they shall not refuse to grant the licence.

(5) Regulations under this section may make different provision for different circumstances and may prescribe, among the conditions subject to which a licence is to be granted, conditions requiring the approval of a local authority and may provide for that approval to be given subject to conditions imposed by the authority.

(6) Without prejudice to the generality of the preceding subsection, regulations under this section may prescribe, among the conditions subject to which a licence may be granted, a condition requiring sums earned by the child in respect of whom the licence is granted in taking part in a performance to which the licence relates to be paid into the county court (or, in Scotland, consigned in the sheriff court) or dealt with in a manner approved by the local authority.

(7) A licence under this section shall specify the times, if any, during which the child in respect of whom it is granted may be absent from school for the purposes authorised by the licence; and for the purposes of the enactments relating to education a child who is so absent during any times so specified shall be deemed to be absent with leave granted by a person authorised in that behalf by the managers, governors or proprietor of the school or, in Scotland, with reasonable excuse.

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

**38.**—(1) A licence under the preceding section in respect of a child under the age of thirteen shall not be granted unless—

Restriction on licences for performances by children under 13.

- (a) the licence is for acting and the application therefor is accompanied by a declaration that the part he is to act cannot be taken except by a child of about his age; or

**PART II**

- (b) the licence is for dancing in a ballet which does not form part of an entertainment of which anything other than ballet or opera also forms part and the application for the licence is accompanied by a declaration that the part he is to dance cannot be taken except by a child of about his age ; or
- (c) the nature of his part in the performance is wholly or mainly musical and either the nature of the performance is also wholly or mainly musical or the performance consists only of opera and ballet.

(2) On the extension of the compulsory school age (or, in Scotland, school age) to sixteen years, that is to say—

- (a) in England and Wales, on the coming into force of an Order in Council under section 35 of the Education Act 1944 ; and
  - (b) in Scotland, on the coming into force of regulations under section 32 of the Education (Scotland) Act 1962 ;
- subsection (1) of this section shall have effect as if for the word “ thirteen ” there were substituted the word “ fourteen ”.

**Supplementary provisions as to licences under section 37.**

**39.—(1)** A licence under section 37 of this Act may be varied on the application of the person holding it by the local authority by whom it was granted or by any local authority in whose area the performance or one of the performances to which it relates takes place.

(2) The local authority by whom such a licence was granted and any local authority in whose area the performance or one of the performances to which it relates takes place, may vary or revoke the licence if any condition subject to which it was granted is not observed or they are not satisfied as to the matters mentioned in subsection (4) of the said section 37, but shall, before doing so, give to the holder of the licence such notice (if any) of their intention as may be practicable in the circumstances.

(3) Where a local authority grant such a licence authorising a child to take part in a performance in the area of another local authority they shall send to that other authority such particulars as the Secretary of State may by regulations made by statutory instrument prescribe ; and where a local authority vary or revoke such a licence which was granted by, or relates to a performance in the area of, another local authority, they shall inform that other authority.

(4) A local authority proposing to vary or revoke such a licence granted by another local authority shall, if practicable, consult that other authority.



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(5) The holder of such a licence shall keep such records as the Secretary of State may by regulations made by statutory instrument prescribe and shall on request produce them to an officer of the authority who granted the licence, at any time not later than six months after the performance or last performance to which it relates.

(6) Where a local authority refuse an application for a licence under section 37 of this Act or revoke or, otherwise than on the application of the holder, vary such a licence they shall state their grounds for doing so in writing to the applicant or, as the case may be, the holder of the licence; and the applicant or holder may appeal to a magistrates' court or, in Scotland, the sheriff, against the refusal, revocation or variation, and against any condition subject to which the licence is granted or any approval is given, not being a condition which the local authority are required to impose.

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

## 40.—(1) If any person—

## Offences.

- (a) causes or procures any child or, being his parent or guardian, allows him, to take part in any performance in contravention of section 37 of this Act; or
- (b) fails to observe any condition subject to which a licence under that section is granted, or any condition prescribed under subsection (3) of that section; or
- (c) knowingly or recklessly makes any false statement in or in connection with an application for a licence under that section;

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

(2) If any person fails to keep or produce any record which he is required to keep or produce under section 39 of this Act, he shall be liable on summary conviction to a fine not exceeding fifty pounds or imprisonment for a term not exceeding three months or both.

(3) The court by which the holder or one of the holders of a licence under section 37 of this Act is convicted of an offence under this section may revoke the licence.

(4) In any proceedings for an offence under this section alleged to have been committed by causing, procuring or allowing a child to take part in a performance without a licence under section 37 of this Act it shall be a defence to prove that the accused believed that the condition specified in paragraph (a) of subsection (3) of that section was satisfied and that he had reasonable grounds for that belief.

**PART II**  
 Licences for  
 training  
 persons  
 between 12  
 and 16 for  
 performances  
 of a  
 dangerous  
 nature.

**41.—(1)** The power to grant licences under section 24 of the principal Act (which relates to the training of persons under the age of sixteen to take part in performances of a dangerous nature) shall be exercisable by the local authority for the area or one of the areas in which the training is to take place instead of by a magistrates' court.

(2) A licence under the said section 24 or under section 34 of the principal Scottish Act (which makes provision in Scotland similar to that made in England and Wales by the said section 24 as amended by subsection (1) of this section) may be revoked or varied by the authority who granted it if any of the conditions embodied therein are not complied with or if it appears to them that the person to whom the licence relates is no longer fit and willing to be trained or that proper provision is no longer being made to secure his health and kind treatment.

(3) Where an authority refuse an application for such a licence or revoke or vary such a licence they shall state their grounds for doing so in writing to the applicant, or, as the case may be, to the holder of the licence, and the applicant or holder may appeal to a magistrates' court or, in Scotland, to the sheriff, against the refusal, revocation or variation.

Licences for  
 children and  
 young persons  
 performing  
 abroad.

**42.—(1)** Section 25 of the principal Act (which prohibits persons under eighteen from going abroad for the purpose of performing for profit except under the authority of a licence granted under that section) and section 26 of that Act (which imposes penalties for contraventions) shall have effect as if the words "singing, playing, performing or being exhibited" included taking part in any such performance as is mentioned in paragraph (c) or (d) of section 37(2) of this Act.

(2) A licence under the said section 25 may be granted in respect of a person notwithstanding that he is under the age of fourteen if—

- (a) the engagement which he is to fulfil is for acting and the application for the licence is accompanied by a declaration that the part he is to act cannot be taken except by a person of about his age ; or
- (b) the engagement is for dancing in a ballet which does not form part of an entertainment of which anything other than ballet or opera also forms part and the application for the licence is accompanied by a declaration that the part he is to dance cannot be taken except by a child of about his age ; or
- (c) the engagement is for taking part in a performance the nature of which is wholly or mainly musical or which consists only of opera and ballet and the nature of his part in the performance is wholly or mainly musical.

43. For subsection (2) of section 28 of the principal Act and for subsection (2) of section 36 of the principal Scottish Act there shall be substituted the following subsection:—

PART II  
Extended powers of entry.

“(2) Any authorised officer of the said authority or any constable may—

- (a) at any time enter any place used as a broadcasting studio or film studio or used for the recording of a performance with a view to its use in a broadcast or in a film intended for public exhibition and make inquiries therein as to any children taking part in performances to which section 37 of the Children and Young Persons Act 1963 applies;
- (b) at any time during the currency of a licence granted under the said section 37 or under the provisions of this Part of this Act relating to training for dangerous performances enter any place (whether or not it is such a place as is mentioned in paragraph (a) of this subsection) where the person to whom the licence relates is authorised by the licence to take part in a performance or to be trained, and may make inquiries therein with respect to that person.”

#### *Construction of Part II*

44.—(1) This Part of this Act, in its application to England and Wales, and, as regards section 42, in its application elsewhere, shall be construed, and Part II of the principal Act shall have effect, as if this Part were included in that Part.

Construction of Part II.

(2) This Part of this Act, except section 42, shall, in its application to Scotland, be construed as if it were included in Part III of the principal Scottish Act and as if references to a local authority were references to an education authority; and the said Part III shall have effect as if this Part of this Act (except section 42) were included in it.

### PART III

#### MISCELLANEOUS AND GENERAL

##### *Research and financial assistance*

45.—(1) The Secretary of State may conduct or assist other persons in conducting research into any matter connected with his functions or the functions of local authorities under the Children and Young Persons Acts 1933 to 1956, the Children and Young Persons (Scotland) Acts 1937 and 1956, the Children Act 1948, the Children Act 1958 or this Act, or any matter connected with the adoption of children.

Research.

## PART III

(2) Any local authority may conduct or assist other persons in conducting research into any matter connected with their functions under the enactments mentioned in subsection (1) of this section or their functions connected with the adoption of children.

Financial assistance under s. 20 of Children Act 1948.

46.—(1) In subsection (1) of section 20 of the Children Act 1948 (which authorises a local authority to contribute towards the cost of accommodation and maintenance of certain persons over the age of eighteen who have been in the care of a local authority) after the word “being” there shall be inserted the words “either a person who has attained the age of seventeen but has ceased to be in the care of a local authority, or”.

(2) In subsection (2) of the said section 20 (which authorises a local authority to make grants towards the education or training of certain persons over the age of eighteen who immediately before they attained that age were in the care of a local authority) for the word “eighteen”, in the first place where it occurs, there shall be substituted the word “seventeen” and for the words “immediately before they attained the age of eighteen” there shall be substituted the words “at or after the time when they attained the age of seventeen”.

Power of local authority to guarantee apprenticeship deeds etc. of persons in their care.

47. While a person is in the care of a local authority under the principal Act, the principal Scottish Act or the Children Act 1948 or by virtue of an order under the Matrimonial Proceedings (Children) Act 1958 or the Matrimonial Proceedings (Magistrates' Courts) Act 1960, the local authority may undertake any obligation by way of guarantee under any deed of apprenticeship or articles of clerkship entered into by that person; and where the local authority have undertaken any such obligation under any deed or articles they may at any time (whether or not the person concerned is still in their care) undertake the like obligation under any deed or articles supplemental thereto.

*Children in respect of whom parental rights may be or have been assumed by local authority*

Extension of power of local authority to assume parental rights.

48.—(1) Where, after a child has been received into the care of a local authority under section 1 of the Children Act 1948, the whereabouts of any parent or guardian of his have remained unknown for not less than twelve months, then, for the purposes of section 2 of that Act (which enables a local authority in certain circumstances to assume parental rights) the parent or guardian shall be deemed to have abandoned the child.

(2) The power of a local authority under paragraph (b) of section 2(1) of the Children Act 1948 to resolve that all rights and powers of a parent or guardian shall vest in them may be

exercised, as well as in the cases mentioned in that paragraph, in any case where it appears to them— PART III

- (a) that the parent or guardian suffers from a mental disorder (within the meaning of the Mental Health Act 1959 or the Mental Health (Scotland) Act 1960) which renders him unfit to have the care of the child ; or
- (b) that the parent or guardian has so persistently failed without reasonable cause to discharge the obligations of a parent or guardian as to be unfit to have the care of the child ;

and the power of the court or sheriff, under subsection (3) of that section, to order that the resolution shall not lapse may also be exercised if the court or sheriff is satisfied that the person who objected to the resolution is unfit to have the care of the child by reason of his persistent failure to discharge the obligations of a parent or guardian.

(3) In this section "child" has the same meaning as in the Children Act 1948.

49.—(1) Where a local authority have, in accordance with section 3(3) of the Children Act 1948, allowed any person to take over the care of a child with respect to whom a resolution under section 2 of that Act is in force and have by notice in writing required that person to return the child at a time specified in the notice (which, if that person has been allowed to take over the care of the child for a fixed period, shall not be earlier than the end of that period) any person who harbours or conceals the child after that time or prevents him from returning as required by the notice shall be liable on summary conviction to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding two months or to both. Harbouring or concealing child required to return to local authority.

(2) In this section "child" has the same meaning as in the Children Act 1948.

50. A court may entertain an application under section 4(2A) of the Guardianship of Infants Act 1925 to appoint a guardian of an infant notwithstanding that, by virtue of a resolution under section 2 of the Children Act 1948, a local authority have parental rights with respect to him ; but where on such an application the court appoints a guardian the resolution shall cease to have effect. Extension of power to appoint guardian.

#### *Persons under supervision changing country of residence*

51.—(1) Where a court in England or Wales is satisfied that a child or young person in respect of whom it would otherwise make a supervision order under the principal Act resides or will reside in Scotland, the court shall, instead of making such an order, make an order specifying a court of summary jurisdiction Supervision of persons moving to Scotland.

**PART III** having jurisdiction in the place in Scotland in which the child or young person will reside and placing him for a specified period not exceeding three years under the supervision of such probation officer or other person as may be appointed by that court; and in any area of Scotland to which section 50 of the principal Scottish Act applies the court specified under this subsection shall be the court constituted for that area under the provisions of section 51 of that Act.

(2) Where a juvenile court in England or Wales is satisfied that a person in respect of whom a supervision order under the principal Act has been made proposes to reside or is residing in Scotland then, instead of amending the order in accordance with Schedule 1 to this Act, the court shall discharge it and make an order under subsection (1) of this section, specifying as the period for which that person will be under supervision the remainder of the period specified in the supervision order.

(3) The court of summary jurisdiction in Scotland specified in an order under this section shall appoint a probation officer or some other person under whose supervision the child or young person shall be placed; and thereafter the order made under this section shall be treated for the purposes of the principal Scottish Act as a supervision order under that Act.

Supervision orders by Scottish courts in respect of persons residing in England.

**52.—**(1) Where a court in Scotland is satisfied that a child or young person in respect of whom it would otherwise make a supervision order under the principal Scottish Act resides or will reside in England or Wales, the court shall, instead of making such an order, make an order naming the petty sessions area in which the child or young person will reside and placing him for a specified period not exceeding three years under the supervision of a probation officer in England or Wales.

(2) Where a court in Scotland is satisfied that a person in respect of whom a supervision order under the principal Scottish Act has been made proposes to reside or is residing in England or Wales the court shall discharge that order and make an order under subsection (1) of this section, specifying as the period for which that person will be under supervision the remainder of the period specified in the supervision order.

(3) An order made under the preceding provisions of this section shall be treated for the purposes of the principal Act and this Act as a supervision order under the principal Act.

(4) In this section "petty sessions area" includes a division of the metropolitan area referred to in Part II of Schedule 2 to this Act.

*Children and young persons escaping to other parts of  
British Islands*

**53.**—(1) The power to arrest and bring back any person which is conferred by any of the following provisions relating to persons escaping, taken away or absent after being sent to a remand home, special reception centre or approved school or after being committed to the care of a fit person, that is to say—

Arrest in one part of British Islands of children or young persons escaping in other part.

(a) sections 78(4), 82(1) and 85 of the principal Act ; and

(b) sections 82(4), 86(1) and 89 of the principal Scottish Act ;

shall be exercisable also—

(i) in Northern Ireland, the Channel Islands or the Isle of Man ; and

(ii) in relation to persons sent to a remand home or training school or committed to the care of a fit person under the Children and Young Persons Act (Northern Ireland) 1950 or any enactment of the Parliament of Northern Ireland for the time being in force (including persons so committed and boarded out).

(2) Any person who knowingly harbours or conceals any such person as is mentioned in paragraph (ii) of the preceding subsection or prevents him from returning shall be liable on summary conviction to a fine not exceeding one hundred pounds or imprisonment for a term not exceeding six months or both.

(3) Every person who is authorised by the managers of a training school within the meaning of the Children and Young Persons Act (Northern Ireland) 1950 to arrest a person under their care and bring him back to his school shall, for the purpose of acting on that authority, have all the powers, protection and privileges—

(a) in Great Britain or the Isle of Man, of a constable ;

(b) in Jersey, of a member of the police ;

(c) in any other part of the Channel Islands, of an officer of police within the meaning of section 43 of the Larceny (Guernsey) Law 1958, or any corresponding law for the time being in force.

*Amendment of Adoption Act 1958*

**54.**—(1) Section 9 of the Adoption Act 1958 (which enables Adoption Rules within the meaning of that Act to be made with respect to matters arising out of Part I thereof) shall have effect as if—

Extension of scope of Adoption Rules.

(a) in subsection (3) thereof the reference to Part I of that Act included references to sections 34 and 35 thereof

## PART III

(under which the right of a parent, adoption society or local authority to remove an infant from the care and possession of a person who has applied for an adoption order cannot be exercised without the leave of the court); and

(b) subsection (5) thereof included applications for the leave of the court under the said section 34 or the said section 35 among the applications for the hearing and determination of which otherwise than in open court provision may be made by Adoption Rules.

(2) In the application of this section to Scotland, the references to section 9 of the Adoption Act 1958 and to subsections (3) and (5) thereof shall be construed as references to section 11 of that Act and subsections (2) and (3) thereof, and references to Adoption Rules shall be construed as references to an act of sederunt made in pursuance of the said subsection (2).

Emigration with consent of Secretary of State.

55. Section 52 of the Adoption Act 1958 (which, subject to exceptions, requires the authority of a provisional adoption order for the taking or sending abroad for adoption of infants who are British subjects) shall not apply in the case of any infant emigrating under the authority of the Secretary of State given under section 84(5) of, or paragraph 7 of Schedule 4 to, the principal Act, section 88 (5) of, or paragraph 7 of Schedule 2 to, the principal Scottish Act, or section 17 of the Children Act 1948 (which relate to the emigration of persons who have been committed to the care of a fit person or sent to an approved school or are in the care of a local authority).

*Miscellaneous*

Prosecution of offences under Part I or Part II of principal Act.

56.—(1) Without prejudice to section 98 of the principal Act (which authorises a local education authority to institute proceedings for an offence under Part I or Part II of that Act) any such proceedings may be instituted by the council of a county or county borough, whether or not the council are the local education authority, and may, where the council are the local education authority, be instituted by them otherwise than in that capacity.

(2) So much of subsection (5) of section 85 of the Local Government Act 1933 and subsection (2) of section 39 of the Children Act 1948 as restricts the matters that may be referred to or dealt with by committees established under those sections respectively shall not apply in relation to any functions exercisable by a council in pursuance of this section.

Newspaper and broadcast reports of proceedings involving children and young persons.

57.—(1) In section 39 of the principal Act and in section 46 of the principal Scottish Act (which empower a court to prohibit the publication in newspapers of pictures or matter leading to the identification of children and young persons concerned in certain proceedings) the words "which arise out of any offence



against, or any conduct contrary to, decency or morality” shall be omitted and for the word “against” in paragraph (a) there shall be substituted the words “by or against”.

(2) Section 49 of the principal Act and section 54 of the principal Scottish Act (which restrict newspaper reports of proceedings in juvenile courts) shall, with the necessary modifications, apply in relation to any proceedings on appeal from a juvenile court (including an appeal by case stated or, in Scotland, stated case) as they apply in relation to proceedings in a juvenile court.

(3) In the said section 39 the expression “court” shall include any court in Scotland and in the said section 46 that expression shall include any court in England and Wales, and—

- (a) in the said section 49 references to a juvenile court shall be construed as including references to a juvenile court as defined in section 50(5) of the principal Scottish Act or constituted in accordance with section 51 of that Act; and
- (b) in the said section 54 references to a juvenile court shall be construed as including references to a juvenile court constituted in accordance with the principal Act.

(4) The said sections 39 and 49 and the said sections 46 and 54 shall, with the necessary modifications, apply in relation to sound and television broadcasts as they apply in relation to newspapers.

58. Where a person was at or after the time when he attained the age of seventeen in the care of a local authority under the Children Act 1948, the principal Act or the principal Scottish Act, or by virtue of an order under the Matrimonial Proceedings (Children) Act 1958 or the Matrimonial Proceedings (Magistrates’ Courts) Act 1960, but has ceased to be in their care, then, while he is under the age of twenty-one, the local authority, if so requested by him, may cause him to be visited, advised and befriended and, in exceptional circumstances, to be given financial assistance.

Powers of local authority to visit and assist persons formerly in their care.

59.—(1) The Secretary of State may, after consulting such local authorities or associations of local authorities as he thinks fit, by statutory instrument make regulations providing, in such cases as may be prescribed by the regulations, for the recovery, by a local authority providing a remand home from such other local authority as may be so prescribed, of such sum in respect of a person detained in the remand home as may be determined in accordance with a rate prescribed from time to time by order made by the Secretary of State by statutory instrument; and any such order may prescribe different rates for different circumstances.

Adjustment between local authorities of expenses of maintaining persons in remand homes.

**PART III**

(2) No sum shall be recoverable under such regulations in any case where the expenses of maintaining the person detained in the remand home are treated under section 11(3) of this Act as if they were expenses incurred by the authority as managers of an approved school or are recoverable under section 51(3) of the Children Act 1948 (which provides for the recovery of expenses where a child is removed to a place of safety); but where regulations under this section are in force, any expenses incurred by a local authority in maintaining a person in a remand home and recoverable under the said section 51(3) shall for the purposes of that section be taken to be equal to such sum as might, but for this subsection, be recoverable in respect of that person under the regulations.

(3) Any payment by a local authority which is made or determined in pursuance of this section shall be treated for the purposes of Schedule 1 to the Local Government Act 1958 or, as the case may be, Schedule 1 to the Local Government and Miscellaneous Financial Provisions (Scotland) Act 1958 as expenses incurred in respect of remand homes (and accordingly as excluded from relevant expenditure for the purposes of general grants).

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

*Supplementary provisions***Expenses.**

**60.** There shall be paid out of moneys provided by Parliament any expenses incurred by the Secretary of State under this Act and any increase attributable to this Act in the moneys so payable under any other enactment.

**Effect of Act on general grants in England and Wales.**

**61.—(1)** Any expenditure incurred by virtue of this Act by the council of a county or county borough shall be relevant expenditure for the purposes of sections 2 and 3 of the Local Government Act 1958 (which relate to general grants) whether or not it is expenditure specified in Part I of Schedule 1 to that Act, unless it is expenditure excluded by any provision of Part II of that Schedule.

(2) The Minister of Housing and Local Government shall have power, by an order made in the like manner and subject to the like provisions as a general grant order, to vary the provisions of any general grant order made before the commencement of this Act for a grant period ending after the commencement of this Act.

(3) Any order made by virtue of this section may be made for all or any of the years comprised in the said grant period, as

may be specified in the order, and in respect of the year or years so specified shall—

- (a) increase the annual aggregate amount of the general grants, and
- (b) vary any other matter prescribed by the said general grant order,

to such extent and in such manner as may appear to the Minister of Housing and Local Government to be appropriate having regard to any additional expenditure incurred or likely to be incurred by councils of counties or county boroughs in consequence of the passing of this Act.

(4) The provisions of this section shall have effect without prejudice to the exercise of any power conferred by section 2(4) of the Local Government Act 1958 (which confers power to vary general grant orders in consequence of unforeseen increases in the level of prices, costs or remuneration).

(5) In this section the expressions “general grant order” and “grant period” have the meanings respectively assigned to them by subsection (6) and subsection (7) of section 1 of the Local Government Act 1958.

**62.—**(1) Any expenditure incurred by virtue of this Act by the council of a county or of a large burgh shall be relevant expenditure for the purposes of sections 2 and 3 of the Local Government and Miscellaneous Financial Provisions (Scotland) Act 1958 (which relate to general grants) whether or not it is expenditure specified in Schedule 1 to that Act. Effect of Act on general grants in Scotland.

(2) The Secretary of State shall have power, by an order made in the like manner and subject to the like provisions as a general grant order, to vary the provisions of any general grant order made before the commencement of this Act for a grant period ending after the commencement of this Act.

(3) Any order made by virtue of this section may be made for all or any of the years comprised in the said grant period, as may be specified in the order, and in respect of the year or years so specified shall increase the annual aggregate amount of the general grants to such extent as may appear to the Secretary of State to be appropriate having regard to any additional expenditure incurred or likely to be incurred by councils of counties or of large burghs in consequence of the passing of this Act.

(4) The provisions of this section shall have effect without prejudice to the exercise of any power conferred by section 2(2) of the Local Government and Miscellaneous Financial Provisions (Scotland) Act 1958 (which confers power to vary general grant orders in consequence of unforeseen increases in the level of prices, costs or remuneration).

**PART III**

(5) In this section the expressions “general grant order” and “grant period” have the meanings respectively assigned to them by subsection (5) and subsection (6) of section 1 of the Local Government and Miscellaneous Financial Provisions (Scotland) Act 1958.

(6) This section extends to Scotland only.

**Interpretation.**

**63.**—(1) In this Act “the principal Act” means the Children and Young Persons Act 1933 and “the principal Scottish Act” means the Children and Young Persons (Scotland) Act 1937.

(2) References in this Act to any enactment are references thereto as amended and include references thereto as applied, by any other enactment including, except where the context otherwise requires, any enactment contained in this Act.

**Amendments, transitional provisions, and repeals.**

**64.**—(1) The enactments mentioned in Schedule 3 to this Act shall have effect subject to the amendments specified therein.

(2) This Act shall have effect subject to the transitional provisions contained in Schedule 4 to this Act.

(3) The enactments specified in Schedule 5 to this Act are hereby repealed to the extent specified in column 3 of that Schedule.

**Citation, construction, commencement and extent.**

**65.**—(1) This Act may be cited as the Children and Young Persons Act 1963.

(2) This Act and the Children and Young Persons Acts 1933 to 1956 may be cited as the Children and Young Persons Acts 1933 to 1963, and this Act and the Children and Young Persons (Scotland) Acts 1937 and 1956 may be cited as the Children and Young Persons (Scotland) Acts 1937 to 1963.

(3) This Act, except in so far as it amends any Act not construed as one with the principal Act or the principal Scottish Act, shall be construed, in its application to England and Wales, as one with the principal Act and, in its application to Scotland, as one with the principal Scottish Act.

(4) The following provisions of this Act do not extend to Scotland, that is to say, Part I except sections 1, 10 and 32, sections 56 and 61, and Schedules 1 and 2 and Schedule 4 except paragraph 3.

(5) Subsections (1) and (2) of section 10 and sections 42 and 53(1) of this Act, paragraphs 7, 8, 27, 34 and 50 of Schedule 3, and so much of Schedule 5 as relates to section 25 and section 26 of the principal Act, extend to Northern Ireland.

(6) This Act shall come into operation on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be so appointed for different purposes; and any reference in any provision of this Act to the commencement of this Act shall be construed as a reference to the time at which that provision comes into operation.

## SCHEDULES

Section 5.

## SCHEDULE 1

## SUPERVISION ORDERS

*Contents and duration of supervision orders*

1. Subject to the provisions of this Schedule, a supervision order may contain such provisions as the court, having regard to the particular circumstances of the case, considers necessary for effecting the purpose of the order.

2. A supervision order shall cease to have effect when the person placed under supervision attains the age of eighteen.

*Discharge and amendment*

3.—(1) A juvenile court may, upon the application of the person under supervision, or of the person under whose supervision he is, discharge the supervision order.

(2) Without prejudice to its power under the preceding sub-paragraph, where an order is in force committing the person under supervision to the care of a fit person, the juvenile court may discharge the supervision order on the application of that person or, where the other order is revoked, without any application.

4.—(1) Subject to sub-paragraph (2) of this paragraph, if a juvenile court is satisfied that a person under supervision proposes to change, or has changed, his residence to another petty sessions area, the court may, and if an application in that behalf is made by the person under whose supervision he is shall, by order amend the supervision order by substituting for the petty sessions area named therein (or, as the case may be, by inserting therein) the petty sessions area where the person under supervision proposes to reside or is residing.

(2) If the supervision order contains requirements which, in the opinion of the court, cannot be complied with unless the person under supervision continues to reside in the same petty sessions area, the court shall not amend the order as aforesaid unless, in accordance with the following provisions of this Schedule, it cancels those requirements or substitutes therefor other requirements which can be so complied with.

5.—(1) Subject to sub-paragraph (2) of this paragraph, a juvenile court may, on the application of any person, by order amend a supervision order—

(a) by substituting for the supervision of a probation officer supervision by a person appointed for the purpose by the court; or

(b) by substituting for the supervision of a person appointed for the purpose by the court supervision by some other person so appointed or supervision by a probation officer; or

## SCH. 1

(c) by cancelling any of the requirements of the order or by inserting therein (either in addition to or in substitution for any such requirement) any requirement which could be included in the order if it were then being made by the court.

(2) A court shall not amend a supervision order under this paragraph—

(a) by reducing the period of supervision specified in the order, or by extending that period beyond the end of three years from the date of the original order ; or

(b) by inserting therein a requirement that the person under supervision shall submit to treatment for his mental condition unless the amending order is made within three months after the date of the original order.

6.—(1) Where an application for the discharge or amendment of a supervision order made in respect of any person is made by the person under whose supervision he is, the applicant may, for the purpose of the application, bring the person under supervision before the court.

(2) Where a court proposes to amend a supervision order by imposing a requirement that the person under supervision shall reside in an institution or submit to treatment for his mental condition the court shall summon the person under supervision to appear before the court.

*Requirements as to residence and treatment*

7. A supervision order may not contain any requirement as to the place of residence of the person placed under supervision or as to treatment for his mental condition unless he either is under the age of fourteen or consents to the requirement.

8. The period for which a person may be required by a supervision order to reside in an approved probation hostel, an approved probation home or any other institution or to submit to treatment for his mental condition shall not exceed twelve months.

9. A supervision order requiring the person under supervision to submit to treatment for his mental condition shall specify one of the following as the treatment required, that is to say—

(a) treatment as a resident patient in a hospital or mental nursing home within the meaning of the Mental Health Act 1959, but not in a special hospital within the meaning of that Act ;

(b) treatment as a non-resident patient at an institution or place specified in the order ; or

(c) treatment by or under the direction of a fully registered medical practitioner specified in the order.

10. Where a medical practitioner by whom or under whose direction a person (in this paragraph referred to as " the patient ") is being

treated for his mental condition in pursuance of any requirement of a supervision order is of opinion— SCH. 1

- (a) that the treatment should be continued beyond the period specified in that behalf in the order ; or
- (b) that the patient needs different treatment ; or
- (c) that the patient is not susceptible to treatment ; or
- (d) that the patient does not require further treatment ;

or where the practitioner is for any reason unwilling to continue to treat or direct the treatment of the patient, he shall make a report in writing to that effect to the person under whose supervision the patient is and that person shall apply to a juvenile court for the variation or cancellation of the requirement.

#### *Selection of probation officers*

11. The probation officer under whose supervision a person is to be placed shall be selected under arrangements made by the probation committee.

12. If the probation officer so selected dies or is unable for any reason to carry out his duties, or if the case committee dealing with the case think it desirable that another person should take his place, another probation officer shall be selected in like manner.

13. The probation officer under whose supervision a girl is placed shall be a woman.

#### *Notification of orders*

14. The court by which a supervision order is made or amended shall forthwith give or send a copy of its order—

- (a) to the person under supervision ; and
- (b) to the person under whose supervision he is placed ; and
- (c) where the person under supervision is required to reside in an institution, to the person in charge of the institution ; and
- (d) where the person under supervision is required to reside in an institution which is neither an approved probation hostel or home nor a mental nursing home or hospital within the meaning of the Mental Health Act 1959 in which he is required to reside for the purpose of treatment as a resident patient, to the Secretary of State ; and
- (e) where the petty sessions area named in the order is not the petty sessions area for which the court acts, to the clerk to the justices for the petty sessions area named in the order ;

and, in the case mentioned in sub-paragraph (e) of this paragraph, shall also send to the clerk to the said justices such documents and information relating to the case as the court considers likely to be of assistance to them.

Section 17.

## SCHEDULE 2

## CONSTITUTION OF JUVENILE COURTS

## PART I

## OUTSIDE METROPOLITAN AREA

*Juvenile court panels*

1. The following provisions of this Part of this Schedule shall have effect as respects any area outside the metropolitan stipendiary court area and the City of London.

2. A justice shall not be qualified to sit as a member of a juvenile court unless he is a member of a juvenile court panel, that is to say, a panel of justices specially qualified to deal with juvenile cases.

3. Subject to the following provisions of this Part of this Schedule, a juvenile court panel shall be formed for every petty sessions area.

*Combined juvenile court panels*

4. A magistrates' courts committee may make recommendations to the Secretary of State—

(a) for the formation of a combined juvenile court panel for two or more petty sessions areas, or

(b) for the dissolution of any such combined juvenile court panel,

if the committee's area comprises at least one of the petty sessions areas concerned.

5. It shall be the duty of the magistrates' courts committee for any area, if directed to do so by the Secretary of State, to review the functioning of juvenile courts in their area and on completion of the review to submit to the Secretary of State either a report making such recommendations as are mentioned in paragraph 4 of this Schedule or a report giving reasons for making no such recommendations.

6. Subject to the provisions of this Schedule—

(a) where a magistrates' courts committee make such recommendations to the Secretary of State, he may make an order giving effect to them subject to any modifications he thinks fit; and

(b) where a magistrates' courts committee fail to comply within six months with a direction of the Secretary of State under the preceding paragraph, or the Secretary of State is dissatisfied with the report submitted in pursuance of such a direction, he may make such order as he thinks fit for the purposes mentioned in paragraph 4 of this Schedule.

*Effect of order establishing combined panel*

7. Where a combined juvenile court panel is formed for any petty sessions areas any justice who is a member of the panel may exercise in relation to each of the areas any jurisdiction exercisable by him as a member of a juvenile court.



*Restrictions on formation of combined panels*

SCH. 2

8. No order under this Schedule shall provide for the formation of a combined juvenile court panel for an area which includes—

- (a) a county or part of a county and the whole or part of another county ; or
- (b) two county boroughs.

9. An order under this Schedule providing for the formation of a combined juvenile court panel for an area which comprises a borough having a separate magistrates' courts committee shall not be made except with the consent of every magistrates' courts committee the whole or part of whose area is included in the area for which the combined panel is formed.

*Consultations and notices*

10. A magistrates' courts committee, before submitting recommendations for an order under this Schedule, shall consult and, when submitting any such recommendations, shall give notice to—

- (a) the justices acting for any petty sessions area concerned which is within the committee's area (except where the committee's area is a borough) ; and
- (b) any other magistrates' courts committee the whole or part of whose area is concerned ;

and shall also consult the said justices before commenting on any recommendations on which they are consulted under this paragraph by another magistrates' courts committee.

11. Where the Secretary of State proposes to make an order under this Schedule in a case where either no recommendations have been made to him or the proposed order departs from the recommendations made to him, he shall send a copy of the proposed order to the magistrates' courts committee for any area the whole or part of which is concerned and to the justices acting for any petty sessions area concerned.

12. Where notice of recommendations or a copy of a proposed order is required to be sent under the preceding paragraphs to any justices or committee, the Secretary of State shall, before making an order, consider any representations made to him by the justices or committee, or by any juvenile court panel concerned, within one month from the time the notice was given or the copy of the proposed order was sent.

## PART II

## METROPOLITAN AREA

13. The following provisions of this Part of this Schedule shall have effect as respects the metropolitan stipendiary court area and the City of London (in this Part of this Schedule referred to as the metropolitan area).

## SCH. 2

14. Juvenile courts shall be constituted for the whole of the metropolitan area but shall sit for such divisions and in such places as the Secretary of State may by order specify, without prejudice, however, to their jurisdiction with respect to the whole area.

15. Subject to the following provisions of this Schedule—

- (a) each juvenile court shall consist of a chairman and two other members and shall have both a man and a woman among its members ;
- (b) the chairman shall be a person nominated by the Secretary of State to act as chairman of juvenile courts for the metropolitan area and shall be either a metropolitan stipendiary magistrate or a justice of the peace for the county of London selected, in such manner as may be provided by an order of the Secretary of State, from a panel of such justices from time to time nominated by him ; and
- (c) the other members shall be justices so selected from that panel.

16. If at any time, by reason of illness or other emergency, no person nominated under paragraph 15(b) of this Schedule is available to act as chairman of a juvenile court, any metropolitan stipendiary magistrate or, with the consent of the Secretary of State, any justice of the peace selected as aforesaid from the said panel, may act temporarily as chairman.

17. Where it appears to the chairman that a juvenile court cannot, without adjournment, be fully constituted, and that an adjournment would not be in the interests of justice, the chairman may sit with one other member (whether a man or a woman) or, if a metropolitan stipendiary magistrate, may sit alone.

18. The Secretary of State, in nominating any persons under this Part of this Schedule, shall have regard to the previous experience of the persons available and their special qualifications for dealing with juvenile cases ; and every such nomination shall be for a specified period and shall be revocable by the Secretary of State.

19. The enactments relating to the provision of land and buildings required for the purposes of metropolitan magistrates' courts shall extend and be deemed always to have extended to the provision of land and buildings required for the purposes of juvenile courts constituted for the metropolitan area.

## PART III

## GENERAL

20. An order of the Secretary of State under this Schedule shall be made by statutory instrument and may be revoked or varied by a subsequent order thereunder.

21. Any such order may contain supplementary, incidental and consequential provisions.

SCHEDULE 3

Section 64.

MINOR AND CONSEQUENTIAL AMENDMENTS

*The principal Act*

1. In section 1(1), the words "or in default of payment of such a fine" shall be omitted in both places where they occur.

2. In section 3, the words "or in default of payment of such a fine" shall be omitted.

3. In section 4(1), the words "or in default of payment of such a fine" shall be omitted.

4. For subsection (3) of section 18 there shall be substituted the following subsection:—

"(3) Nothing in this section, or in any byelaw made under this section, shall prevent a child from taking part in a performance—

(a) under the authority of a licence granted under this Part of this Act; or

(b) in a case where by virtue of section 37(3) of the Children and Young Persons Act 1963 no licence under that section is required for him to take part in the performance."

5. In section 23, for the words "public performance" there shall be substituted the words "performance to which section 37 of the Children and Young Persons Act 1963 applies and".

6.—(1) In subsection (2) of section 24 for the words "petty sessional court" there shall be substituted the words "local authority".

(2) In subsection (4) of that section for the word "court", in both places where it occurs, there shall be substituted the word "authority".

7. In the proviso to section 25(1), for the words "Great Britain and Ireland" there shall be substituted the words "the United Kingdom".

8. In section 26(1), the words "or in default of payment of such a fine" shall be omitted.

9. In section 28(1) for the words "an entertainment or performance" there shall be substituted the words "a performance".

10. In section 29(3), for the words "The said provisions" there shall be substituted the words "The provisions of this Part of this Act relating to employment".

11. In section 40(1), for the words from "to take him" to "detain him there" there shall be substituted the words "to take him to a place of safety, or authorising any constable to remove him with or without search to a place of safety, and a child or young person taken to a place of safety in pursuance of such a warrant may be detained there".

12. In section 48(1), the words "or an application relating to" and the words "or application" shall be omitted.

## SCH. 3

13. In section 53(4), for the words "shall return" there shall be substituted the words "may be arrested without warrant by any constable and taken"; and the words from "and if he fails" to the end of the section shall be omitted.

14.—(1) In subsection (1) of section 56, for the words "if it thinks fit" there shall be substituted the words "and, if it is not a juvenile court, shall unless satisfied that it would be undesirable to do so".

(2) For subsection (2) of that section there shall be substituted the following subsection:—

"(2) Where any case is so remitted—

(a) the offender shall have the same right of appeal against any order of the court to which the case is remitted as if he had been found guilty by that court, but shall have no right of appeal against the order of remission; and

(b) any appeal against the finding of guilt shall, if the finding was made by a juvenile or other magistrates' court, be made to the court of quarter sessions having jurisdiction to hear an appeal under paragraph (a) of this subsection."

15. In section 58, for the words "for the detention of the person to whom it relates" there shall be substituted the words "for his detention in that approved school or in such other approved school as the Secretary of State may from time to time determine".

16. After subsection (2A) of section 62 there shall be inserted the following subsection:—

"(2B) A person of or over the age of sixteen who is or has been married shall not be brought before or dealt with by a juvenile court under this section."

17.—(1) In section 67(1), after the words "committed, or" there shall be inserted the words "any person".

(2) In section 67(2), after the words "five foregoing sections" there shall be inserted the words "or subsection (8) of section 84 of this Act".

18. In subsections (2) and (7) of section 70, for the words from "by reason of" to "education" there shall be substituted the words "in respect of a person brought before a juvenile court under section 40A of the Education Act 1944".

19. In section 73, the words "under the foregoing provisions of this Act" shall be omitted and at the end of the proviso there shall be added the words "nor to a person detained under this section or under section 17 of the Criminal Justice Act 1961".

20.—(1) In subsection (1) of section 84, after the words "in this section" there shall be inserted the words "and the next following section".

(2) In subsection (6) of that section the words "upon the application of any person" shall be omitted.

21. In section 85(1), for the words from "who, having no parent" to the end of the subsection there shall be substituted the words "beyond the control of his parent or guardian".

22. In section 90(5), the following shall be substituted for paragraph (b):— SCH. 3

“(b) is made in respect of a person brought before a juvenile court under section 40A of the Education Act 1944”.

23. In section 102(1)(a), after the words “probation officer or other person” there shall be inserted the words “(including an order under section 51(1) of the Children and Young Persons Act 1963)”.

24. In section 107(1), the words “and the City of London” shall be added at the end of the definition of “metropolitan police court area”.

25. For sub-paragraph (1) of paragraph 9 of Schedule 4 there shall be substituted the following sub-paragraph:—

“(1) The Secretary of State may at any time order a person under the care of the managers of an approved school to be discharged or, with the consent of the Secretary of State concerned with the administration of the Children and Young Persons (Scotland) Act 1937, to be transferred to the care of the managers of a school in Scotland which is an approved school within the meaning of that Act; and may, without prejudice to his power to determine the school in which any person is to be detained at any time, order a person not detained but under the care of the managers of an approved school to be transferred to the care of the managers of another approved school.”

26. For sub-paragraph (3) of paragraph 12 of Schedule 4 there shall be substituted the following sub-paragraph:—

“(3) A local authority for the purposes of Parts III and IV of this Act shall, if requested to do so by the managers of an approved school, cause to be visited, advised and befriended any person who is or is likely to be in their area while out under supervision from that school, any person detained in or out under supervision from that school whose parent or guardian is in their area, and any person in their area who may be visited, advised and befriended in pursuance of paragraph 7 of Schedule 2 to the Criminal Justice Act 1961.”

27. In paragraph 13 of Schedule 4, for the words from “powers, protection and privileges” to the end of the paragraph there shall be substituted the words “powers, protection and privileges—

- (i) in the United Kingdom or the Isle of Man, of a constable;
- (ii) in Jersey, of a member of the police;
- (iii) in any other part of the Channel Islands, of an officer of police within the meaning of section 43 of the Larceny (Guernsey) Law 1958, or any corresponding law for the time being in force.”

#### *The Summary Jurisdiction (Appeals) Act 1933*

28. In section 8(1), after the words “to which this Act applies” there shall be inserted the words “and with respect to cases of persons committed by a juvenile court to quarter sessions under section 28 of the Magistrates’ Courts Act 1952 or section 67 of the Mental Health Act 1959”.

## SCH. 3

*The principal Scottish Act*

29.—(1) In subsection (1) of section 28, for paragraph (a) there shall be substituted the following paragraph:—

“(a) if he is under the age of thirteen years, or if, after the coming into force of regulations under section 32(2) of the Education (Scotland) Act 1962, he is under the age of fourteen years”.

(2) For subsection (3) of that section there shall be substituted the following subsection:—

“(3) Nothing in this section or in any byelaw made under this section shall prevent a child from taking part in a performance—

(a) under the authority of a licence granted under this Part of this Act; or

(b) in a case where by virtue of section 37(3) of the Children and Young Persons Act 1963 no licence under that section is required for him to take part in the performance.”

30. In section 33, for the words “public performance” there shall be substituted the words “performance to which section 37 of the Children and Young Persons Act 1963 applies and”.

31. In section 36(1), for the words “an entertainment or performance” there shall be substituted the words “a performance”.

32. In section 38(3), for the words “The said provisions” there shall be substituted the words “The provisions of this Part of this Act relating to employment”.

33. After subsection (5) of section 87 there shall be inserted the following subsection:—

“(6) In this section ‘school’, in relation to England and Wales, includes a remand home designated as a classifying centre under section 11 of the Children and Young Persons Act 1963.”

34. In paragraph 13 of Schedule 2 for the words from “powers, protection and privileges” to the end of the paragraph there shall be substituted the words “powers, protection and privileges—

(i) in the United Kingdom or the Isle of Man, of a constable;

(ii) in Jersey, of a member of the police;

(iii) in any other part of the Channel Islands, of an officer of police within the meaning of section 43 of the Larceny (Guernsey) Law 1958, or any corresponding law for the time being in force.”

*The Education Act 1944*

35.—(1) After subsection (4) of section 40 there shall be inserted the following subsection:—

“(4A) Without prejudice to the institution of proceedings for an offence under section 37 of this Act or the exercise of the power conferred on a court by subsection (3A) of this section, where the parent of a child has failed to comply with the requirements of a school attendance order served on him the

SCH 3.

local education authority who served the order may bring the child before a juvenile court and the juvenile court, unless it appears to it that the child is receiving efficient full-time education suitable to his age, ability and aptitude otherwise than at school, may make any order which it has power to make under section 62 of the Children and Young Persons Act 1933 in the case of persons who are brought before it under that section ; and if it does not make such an order it may direct that the school attendance order shall cease to be in force."

(2) In subsection (5) of that section, after the words " subsection (4) " there shall be inserted the words " or subsection (4A) ".

36. After section 40 there shall be inserted the following section :—

"School attendance of vagrant children.

40A.—(1) Without prejudice to the institution of proceedings for an offence under section 10 of the Children and Young Persons Act 1933 (vagrants preventing children from receiving education), where it appears to a local education authority that a child of compulsory school age who is for the time being in their area is a child whom a person habitually wandering from place to place takes with him, the authority may bring the child before a juvenile court, and the court, unless it appears to it that he is receiving efficient full-time education suitable to his age, ability and aptitude, may make any order which it has power to make under section 62 of the said Act of 1933 in the case of persons who are brought before it under that section.

(2) For the purposes of the Children and Young Persons Acts 1933 to 1963, any child who is about to be brought or is brought before a juvenile court by virtue of this section shall be deemed to be a child about to be brought or, as the case may be, brought before such a court under the said section 62, and any order made by a juvenile court under this section shall be deemed to be an order made under that section."

*The Family Allowances Act 1945*

37. In section 11(1), paragraph (b) shall be omitted, and after paragraph (c) there shall be added the following paragraph :—

"(d) during which there is in force a provision of an order made by virtue of section 9 of the Children and Young Persons Act 1963 or an order under section 73(2) of the Children and Young Persons (Scotland) Act 1937 committing the child to custody in any place."

*The Children Act 1948*

38. For subsection (8) of section 3 there shall be substituted the following subsection :—

"(8) Any person who—

(a) knowingly assists or induces or persistently attempts to induce a child to whom this subsection applies to run away, or

(b) without lawful authority takes away such a child, or

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## SCH. 3

(c) knowingly harbours or conceals such a child who has run away or who has been taken away or prevents him from returning,

shall be liable on summary conviction to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding two months or to both.

This subsection applies to any child in the care of a local authority under section 1 of this Act with respect to whom a resolution is in force under section 2 thereof and for whom accommodation (whether in a home or otherwise) is being provided by the local authority in pursuance of Part II of this Act; and references in this subsection to running away or taking away or to returning are references to running away or taking away from, or to returning to, a place where accommodation is or was being so provided."

39. In section 10(1), the words "has not attained the age of sixteen and" shall be omitted.

40.—(1) In subsection (1) of section 38, after the words "the Children Act 1958" there shall be inserted the words "and of Parts I and III of the Children and Young Persons Act 1963".

(2) In subsection (2) of that section, after the words "this Act" there shall be inserted the words "and of section 1 and Part III of the Children and Young Persons Act 1963".

41. In section 39(1), after paragraph (g) there shall be inserted the following:—

"and

(h) the Children and Young Persons Act 1963, except Part II and section 56."

42. In section 43(1) after the words "the Children and Young Persons Act 1933" there shall be inserted the words "sections 1, 11 and 13 of the Children and Young Persons Act 1963".

43. In section 44(1), after the words "the Children and Young Persons (Scotland) Act 1937" there shall be inserted the words "section 1 of the Children and Young Persons Act 1963".

*The Criminal Justice Act 1948*

44. In section 75, for the words "young person", in each place where they occur, there shall be substituted the words "a person under the age of eighteen who has attained the age of fourteen", and after the words "sections 62 to 66" there shall be inserted the words "or subsection (8) of section 84".

*The Criminal Justice (Scotland) Act 1949*

45. In section 72(1), for the words from "or under section 38" to "1956" there shall be substituted the words "or under section 36(4) or section 44(3) of the Education (Scotland) Act 1962".



*The Justices of the Peace Act 1949*

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46. In section 14(1), for the words from "paragraph 1" to "1933" there shall be substituted the words "section 15 of this Act".

*The Criminal Justice Administration Act 1956*

47. In section 18(4), after the words "appeals from a juvenile court" there shall be inserted the words "and to cases of persons committed by a juvenile court to quarter sessions under section 28 of the Magistrates' Courts Act 1952 or section 67 of the Mental Health Act 1959".

*The Mental Health Act 1959*

48. In section 72(6)(a) after the words "said Act of 1933" there shall be added the words "or section 23 (5) of the Children and Young Persons Act 1963".

49. In section 75(2), for the words from "including an order" to "1933" there shall be substituted the words "including detention in pursuance of a provision made by virtue of section 9 of the Children and Young Persons Act 1963".

*The Criminal Justice Act 1961*

50.—(1) In subsection (1) of section 29, after the words "or remand home" there shall be inserted the words "special reception centre or other place of safety".

(2) In subsection (2) of that section, after the words "taken back to the prison or other institution" there shall be added the words "or place".

(3) At the end of the section there shall be added the following subsection:—

"(3) In this section 'special reception centre' has the same meaning as in the Children and Young Persons Act 1933 and 'place of safety' has—

- (a) in relation to England and Wales, the same meaning as in that Act; and
- (b) in relation to Scotland, the same meaning as in the Children and Young Persons (Scotland) Act 1937; and
- (c) in relation to Northern Ireland, the same meaning as in the Children and Young Persons Act (Northern Ireland) 1950."

*The Criminal Justice Administration Act 1962*

51. In section 4(7), after the words "appeal from a juvenile court" there shall be inserted the words "or the case of a person committed by a juvenile court to quarter sessions under section 28 of the Magistrates' Courts Act 1952 or section 67 of the Mental Health Act 1959".

## Section 64.

## SCHEDULE 4

## TRANSITIONAL PROVISIONS

1. Nothing in this Act shall affect the operation of section 64 of the principal Act in relation to an application made thereunder before the repeal of that section.

2. Section 20 of this Act shall not apply in relation to the case of any person committed to quarter sessions before the coming into operation of that section.

3. Any licence under section 22 of the principal Act or under section 32 of the principal Scottish Act shall be treated as a licence under section 37 of this Act.

4. The power to revoke or vary a licence under section 24 of the principal Act granted before the coming into operation of section 41(1) of this Act shall be exercisable by the local education authority in whose area the place where the person to whom the licence relates is to be trained in accordance with the licence is situated, or if more than one such place is specified in the licence, the local education authority for the area where the place first so specified is situated.

5. On the coming into operation of section 8 of this Act so much of any approved school order as specifies any school shall cease to have effect.

6.—(1) An approved school order made before the day on which section 9 of this Act comes into operation shall, if not then in effect, take effect on that day.

(2) If on that day the person to whom the order relates has not been sent to an approved school and the authority or person responsible for conveying him to his school is not named in or endorsed on the order, a juvenile court acting for the place where he is shall on the application of any person specify that authority or person and shall cause the approved school order to be delivered to the authority or person so specified.

7. Where an application under section 68(3) of the principal Act has not been determined on the coming into operation of section 8 of this Act, the applicant may make an application under subsection (3) of the said section 8 at any time not later than thirty days after the coming into operation of that section.

8. Any order under section 69(2) of the principal Act which is in force on the coming into operation of section 9 of this Act shall for the purposes of that section be treated as a provision made in pursuance of subsection (1) thereof.

9. A juvenile court panel formed for any two or more petty sessions areas before the coming into operation of Part I of Schedule 2 to this Act by an order under paragraph 1(3) of Schedule 2 to the principal Act shall be deemed to be a combined juvenile court panel formed under Part I of Schedule 2 to this Act and the order forming the panel may be revoked or varied by an order under that Part.

SCHEDULE 5  
ENACTMENTS REPEALED

Section 64.

| Session and Chapter    | Short Title                              | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|------------------------|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 23 & 24 Geo. 5. c. 12. | The Children and Young Persons Act 1933. | <p>In section 1, in subsection (1), the words "or in default of payment of such a fine", in both places where they occur.</p> <p>In section 3, in subsection (1), the words "or in default of payment of such a fine".</p> <p>In section 4, in subsection (1), the words "or in default of payment of such a fine".</p> <p>In section 14, subsection (3).</p> <p>Section 22.</p> <p>In section 24, subsections (3) and (5).</p> <p>In section 25, in subsection (1), the words "he has attained the age of fourteen years and".</p> <p>In section 26, in subsection (1), the words "or in default of payment of such a fine".</p> <p>In section 29, subsections (1) and (2).</p> <p>In section 35, in subsection (2), the words "and, in proper cases, as to available approved schools".</p> <p>In section 39, in subsection (1), the words from "which arise" to "decency or morality".</p> <p>In section 48, in subsection (1), the words "or an application relating to" and the words "or application".</p> <p>In section 53, in subsection (4), the words from "and if he fails" to the end of the subsection.</p> <p>Section 61.</p> <p>In section 63, in subsection (1), the words "or any offence under section 10 of this Act".</p> <p>Section 64.</p> <p>In section 66, in subsection (1), the words "and he is under the age of seventeen years", and subsection (2).</p> <p>In section 67, in subsection (1), the words "child or young" in the second place where they occur; and in subsection (2), the words "child or young".</p> <p>In section 68, subsections (2) and (3).</p> |

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| Session and Chapter                    | Short Title                                           | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|----------------------------------------|-------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 23 & 24 Geo. 5.<br>c. 12— <i>cont.</i> | The Children and Young Persons Act 1933— <i>cont.</i> | <p>Section 69.</p> <p>In section 70, in subsection (3), the words " which is made to take effect immediately " and paragraph (a); and subsections (4) to (6).</p> <p>In section 72, in subsection (1), the words " or makes any endorsement upon ".</p> <p>In section 73, the words " under the foregoing provisions of this Act ".</p> <p>In section 84, in subsection (6), the words " upon the application of any person " and the proviso.</p> <p>In section 87, subsection (5).</p> <p>In section 107(1), in the definition of " Approved school order "; the words " child or young ", and the definition of " In need of care and protection ".</p> |
| 1 Edw. 8 &<br>1 Geo. 6.<br>c. 37.      | The Children and Young Persons (Scotland) Act 1937.   | <p>Schedule 2.</p> <p>In Schedule 4, paragraph 10.</p> <p>Section 32.</p> <p>In section 34, subsections (3) and (5).</p> <p>In section 37, paragraph (g).</p> <p>In section 38, subsections (1), (2) and (7).</p> <p>In section 46, in subsection (1), the words from " which arise " to " decency or morality ".</p>                                                                                                                                                                                                                                                                                                                                      |
| 1 & 2 Geo. 6.<br>c. 40.                | The Children and Young Persons Act 1938.              | <p>Section 1.</p> <p>In section 2, the proviso.</p> <p>Section 4.</p> <p>In section 5, the words " or is beyond the control of his parent or guardian ".</p> <p>In section 6, in subsection (2), the words " or section 69 ".</p>                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 7 & 8 Geo. 6.<br>c. 31.                | The Education Act 1944                                | <p>Section 7.</p> <p>In the Schedule, the amendment of section 64 of the principal Act; and in the words inserted into section 84 of the principal Act, the words " upon the application of any person " and the proviso.</p>                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 8 & 9 Geo. 6.<br>c. 41.                | The Family Allowances Act 1945.                       | <p>Schedule 8 so far as it amends sections 22 and 61 of the principal Act.</p> <p>In section 11(1), paragraph (b).</p> <p>In section 26, in subsection (3), the word " 69 " and the word " 73 " in the second place where it occurs.</p>                                                                                                                                                                                                                                                                                                                                                                                                                   |

| Session and Chapter                 | Short Title                                          | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                          |
|-------------------------------------|------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11 & 12 Geo. 6. c. 43.              | The Children Act 1948                                | In section 10(1), the words "has not attained the age of sixteen and".                                                                                                                                                                                                                                                                                                                                                    |
| 11 & 12 Geo. 6. c. 58.              | The Criminal Justice Act 1948.                       | In section 19(1), the words "not less than ten but".<br>In section 48(2), the words "of not less than ten but".<br>Section 74.<br>In Schedule 9, the entry relating to section 4 of the Children and Young Persons Act 1938.                                                                                                                                                                                              |
| 12, 13 & 14 Geo. 6. c. 101.         | The Justices of the Peace Act 1949.                  | In section 11, subsections (5) to (8).<br>In section 15, in subsection (5), the words from "and the reference" to the end of the subsection.                                                                                                                                                                                                                                                                              |
| 15 & 16 Geo. 6. & 1 Eliz. 2. c. 50. | The Children and Young Persons (Amendment) Act 1952. | Section 1.<br>In section 3, subsections (2) and (3).<br>In section 5, subsections (1) and (2).<br>Section 6.<br>Section 7.<br>In the Schedule, paragraphs 4, 6, 7 and 10.                                                                                                                                                                                                                                                 |
| 4 & 5 Eliz. 2. c. 24.               | The Children and Young Persons Act 1956.             | In section 2(2) the words from "and the said powers" to the end of the subsection.<br>In the Schedule, paragraphs 7(b) and 14(b).                                                                                                                                                                                                                                                                                         |
| 4 & 5 Eliz. 2. c. 69.               | The Sexual Offences Act 1956.                        | In Schedule 3, the amendment of section 61(1) of the principal Act.                                                                                                                                                                                                                                                                                                                                                       |
| 7 & 8 Eliz. 2. c. 72.               | The Mental Health Act 1959.                          | In section 61, in subsection (1), the words "or section 64" and in paragraph (a) the words from "or that his parent" to "as the case may be"; subsection (2); and in subsection (3), the words "or 64".<br>In section 62, in subsection (4), the words "or section 64" and the words from "and in the case" to the end of the subsection.<br>In section 70, in subsection (2), the words from "or that" to "control him". |
| 9 & 10 Eliz. 2. c. 39.              | The Criminal Justice Act 1961.                       | In section 10, subsection (1).<br>In Schedule 4, in the entry relating to section 53 of the principal Act, the words from "and for the words" to the end of the entry; in the entry relating to Schedule 4 to the principal Act, the words                                                                                                                                                                                |

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| Session and Chapter                    | Short Title                                    | Extent of Repeal                                                                                                                                                                                                                                                              |
|----------------------------------------|------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 9 & 10 Eliz. 2.<br>c. 39— <i>cont.</i> | The Criminal Justice Act<br>1961— <i>cont.</i> | from “ and in paragraph 12 ”<br>to the end of the entry; in<br>the entry relating to section 19<br>of the Criminal Justice Act<br>1948 the words from “ and<br>for ” to the end of the entry;<br>and the entry relating to<br>section 48 of the Criminal<br>Justice Act 1948. |

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*Table of Statutes referred to in this Act*

| Short Title                                                                           | Session and Chapter                   |
|---------------------------------------------------------------------------------------|---------------------------------------|
| Criminal Evidence Act 1898 ... ..                                                     | 61 & 62 Vict. c. 36.                  |
| Oaths Act 1909 ... ..                                                                 | 9 Edw. 7. c. 39.                      |
| Guardianship of Infants Act 1925 ... ..                                               | 15 & 16 Geo. 5. c. 45.                |
| Children and Young Persons Act 1933 ... ..                                            | 23 & 24 Geo. 5. c. 12.                |
| Summary Jurisdiction (Appeals) Act 1933 ... ..                                        | 23 & 24 Geo. 5. c. 38.                |
| Local Government Act 1933 ... ..                                                      | 23 & 24 Geo. 5. c. 51.                |
| Children and Young Persons (Scotland) Act<br>1937 ... ..                              | 1 Edw. 8 & 1 Geo. 6. c. 37.           |
| Children and Young Persons Act 1938 ... ..                                            | 1 & 2 Geo. 6. c. 40.                  |
| Education Act 1944 ... ..                                                             | 7 & 8 Geo. 6. c. 31.                  |
| Family Allowances Act 1945 ... ..                                                     | 8 & 9 Geo. 6. c. 41.                  |
| Children Act 1948 ... ..                                                              | 11 & 12 Geo. 6. c. 43.                |
| Criminal Justice Act 1948 ... ..                                                      | 11 & 12 Geo. 6. c. 58.                |
| Criminal Justice (Scotland) Act 1949 ... ..                                           | 12, 13 & 14 Geo. 6. c. 94.            |
| Justices of the Peace Act 1949 ... ..                                                 | 12, 13 & 14 Geo. 6. c. 101.           |
| Shops Act 1950 ... ..                                                                 | 14 Geo. 6. c. 28.                     |
| Maintenance Orders Act 1950 ... ..                                                    | 14 Geo. 6. c. 37.                     |
| Magistrates' Courts Act 1952 ... ..                                                   | 15 & 16 Geo. 6 & 1 Eliz. 2.<br>c. 55. |
| Licensing Act 1953 ... ..                                                             | 1 & 2 Eliz. 2. c. 46.                 |
| Criminal Justice Administration Act 1956 ... ..                                       | 4 & 5 Eliz. 2. c. 34.                 |
| Sexual Offences Act 1956 ... ..                                                       | 4 & 5 Eliz. 2. c. 69.                 |
| Maintenance Orders Act 1958 ... ..                                                    | 6 & 7 Eliz. 2. c. 39.                 |
| Matrimonial Proceedings (Children) Act 1958... ..                                     | 6 & 7 Eliz. 2. c. 40.                 |
| Local Government Act 1958 ... ..                                                      | 6 & 7 Eliz. 2. c. 55.                 |
| Local Government and Miscellaneous Financial<br>Provisions (Scotland) Act 1958 ... .. | 6 & 7 Eliz. 2. c. 64.                 |
| Children Act 1958 ... ..                                                              | 6 & 7 Eliz. 2. c. 65.                 |
| Adoption Act 1958 ... ..                                                              | 7 & 8 Eliz. 2. c. 5.                  |
| Licensing (Scotland) Act 1959 ... ..                                                  | 7 & 8 Eliz. 2. c. 51.                 |
| Mental Health Act 1959 ... ..                                                         | 7 & 8 Eliz. 2. c. 72.                 |
| Indecency with Children Act 1960 ... ..                                               | 8 & 9 Eliz. 2. c. 33.                 |
| Matrimonial Proceedings (Magistrates' Courts)<br>Act 1960 ... ..                      | 8 & 9 Eliz. 2. c. 48.                 |
| Mental Health (Scotland) Act 1960 ... ..                                              | 8 & 9 Eliz. 2. c. 61.                 |
| Criminal Justice Act 1961 ... ..                                                      | 9 & 10 Eliz. 2. c. 39.                |
| Licensing Act 1961 ... ..                                                             | 9 & 10 Eliz. 2. c. 61.                |
| Criminal Justice Administration Act 1962 ... ..                                       | 10 & 11 Eliz. 2. c. 15.               |
| Education (Scotland) Act 1962 ... ..                                                  | 10 & 11 Eliz. 2. c. 47.               |

**1963 CHAPTER 38**

*Water Resources Act 1963*

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6. Constitution of river authorities.
7. Local authority members of river authorities.
8. Additional members of river authorities.
9. Areas of river authorities for purposes of transferred functions.
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- Schedule 6—Water Resources Board.  
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 Schedule 10—Orders transferring functions or property of other authorities and undertakings.  
 Schedule 11—Transitional provisions relating to precepts and borrowing powers of river authorities.  
 Schedule 12—Procedure relating to byelaws.  
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An Act to provide for the establishment of river authorities and a Water Resources Board, to confer on them, and on the Minister of Housing and Local Government, new functions in relation to water resources in England and Wales, and to provide for the transfer to river authorities of functions previously exercisable by river boards and other bodies; to make further provision for controlling the abstraction and impounding of water, for imposing charges in respect of licences to abstract or impound water, and for securing the protection and proper use of inland waters and water in underground strata; to enable corresponding provision to be made in relation to the Thames and Lee catchment areas and certain other areas in or adjacent to London; and for purposes connected with the matters aforesaid. [31st July, 1963]

**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

### FUNCTIONS OF MINISTERS IN RELATION TO WATER RESOURCES

1.—(1) The duty of the Minister of Housing and Local Government (in this Act referred to as "the Minister") under section 1 of the Water Act 1945 (which requires him to promote the conservation and proper use of water resources and the provision of water supplies in England and Wales, and to secure the effective execution by water undertakers, under his control and

Functions of Ministers.

**PART I** direction, of a national policy relating to water) shall be extended so as to require the Minister—

- (a) in formulating a national policy relating to water, to include such measures as he may consider necessary or expedient for augmenting the water resources of areas in England and Wales, for re-distributing water resources in any such area or for transferring water resources from one such area to another, and
- (b) to secure that, under his control and direction, that policy will be effectively executed by the river authorities and the Water Resources Board to be established under this Act, as well as by statutory water undertakers, in so far as that policy relates to matters falling within the functions of those bodies respectively.

(2) In this Act, subject to any express provision for including the Minister of Transport, “the Ministers” means the Minister and the Minister of Agriculture, Fisheries and Food and, in the case of anything falling to be done by the Ministers, means those Ministers acting jointly.

Meaning  
of “water  
resources”.

2.—(1) In this Act “water resources”, in relation to any area, means water for the time being contained in any source of supply in that area, and “source of supply”, in relation to any area, means either of the following, that is to say—

- (a) so much of any inland water, other than any inland water falling within subsection (3) of this section, as is situated in that area, and
- (b) any underground strata in that area.

(2) For the purposes of this Act water for the time being contained in—

- (a) a well, borehole or similar work, including any adit or passage constructed in connection with it for facilitating the collection of water in the well, borehole or work, or
- (b) any excavation into underground strata, where the level of water in the excavation depends wholly or mainly on water entering it from those strata,

shall be treated as water contained in the underground strata into which the well, borehole or work was sunk, or the excavation was made, as the case may be.

(3) Except as provided by the last preceding subsection, an inland water which either—

- (a) is a lake, pond or reservoir which does not discharge to any other inland water, or

(b) is one of a group of two or more lakes, ponds or reservoirs (whether near to or distant from each other) and of watercourses or mains connecting them, where none of the inland waters in the group discharges to any inland water outside the group,

PART I

does not constitute a source of supply for the purposes of this Act.

## PART II

## RIVER AUTHORITIES AND WATER RESOURCES BOARD

*River authorities*

3.—(1) The Ministers shall, as soon as practicable after the passing of this Act, and after consultation with such persons, or bodies representative of persons, as they consider appropriate, by order establish authorities, to be called “river authorities”.

Establishment  
of river  
authorities.

(2) The names of the river authorities established by virtue of this section shall be those specified in the second column of Schedule 1 to this Act; and, subject to the following provisions of this section, the area for which any such river authority is so established shall be an area consisting of the river board area, or combination of river board areas, specified in relation to that river authority in the third column of that Schedule.

(3) The area for which a river authority is for the time being established by virtue of this section or of section 10 of this Act shall be called a “river authority area”.

(4) All the river authorities established by virtue of this section—

(a) shall come into existence on such day as may be appointed for the purposes of this paragraph by an order made by the Ministers (in this Act referred to as “the first appointed day”), and

(b) on and after such day (subsequent to the first appointed day) as may be appointed for the purposes of this paragraph by an order made by the Ministers (in this Act referred to as “the second appointed day”) shall perform the functions assigned or transferred to them by or under this Act.

(5) The functions assigned by or under this Act to river authorities, other than functions transferred to them by or under section 5 or (except as otherwise provided in that section) section 82 of this Act, are in this Act referred to as their “new functions”; and the functions transferred to river authorities by or under those sections (except as otherwise provided in the said section 82) are in this Act referred to as their “transferred functions”.

**PART II**

(6) In this section, and in Schedule 1 to this Act, any reference to a river board area is a reference to that area as it exists immediately before the first appointed day for the purposes of the functions of river boards relating to land drainage.

(7) The provisions of Schedule 2 to this Act shall have effect for the purposes of this section.

General duty of river authorities in relation to water resources.

4. Without prejudice to any other functions assigned or transferred to them by or under this Act, it shall be the duty of each river authority, as from the second appointed day, to take all such action as they may from time to time consider necessary or expedient, or as they may be directed to take by virtue of this Act, for the purpose of conserving, re-distributing or otherwise augmenting water resources in their area, of securing the proper use of water resources in their area, or of transferring any such resources to the area of another river authority.

Transfer to river authorities of functions of river boards.

5.—(1) As from the second appointed day, all the functions which immediately before that day were exercisable by river boards by virtue of—

- (a) section 4 of the River Boards Act 1948 (which provided for the transfer to river boards of functions relating to land drainage, fisheries, river pollution and other matters), or
- (b) section 8 of that Act (which provided for the transfer to river boards of functions of navigation authorities, conservancy authorities and harbour authorities), or
- (c) the Rivers (Prevention of Pollution) Acts 1951 to 1961, or
- (d) any other statutory provision not contained in, or made or issued under, the River Boards Act 1948,

shall be transferred to the river authorities established under this Act.

(2) In accordance with the preceding subsection, the provisions of Schedule 3 to this Act shall have effect for adapting statutory provisions as mentioned in that Schedule.

Constitution of river authorities.

6.—(1) A river authority shall consist of not less than twenty-one members and (excluding any additional members) not more than thirty-one members, or such greater number (if any) as may be prescribed under subsection (5) of this section.

(2) Such number of members of a river authority as is sufficient (but not more than sufficient) to constitute a majority of the total membership of the authority (including any additional members thereof) shall, subject to the provisions of the next following section, be appointed by or on behalf of all the constituent councils.

(3) The remainder of the members of a river authority (other than additional members) shall consist of the following, that is to say—

- (a) one or more members appointed by the Minister of Agriculture, Fisheries and Food as being qualified in respect of land drainage generally or as being qualified in respect of the protection of land against erosion or encroachment by the sea or any other particular aspects of land drainage ;
- (b) one or more members appointed by that Minister as being qualified in respect of fisheries ;
- (c) one or more members appointed by that Minister as being qualified in respect of agriculture ;
- (d) one or more members appointed by the Minister as being qualified in respect of public water supply ; and
- (e) one or more members appointed by the Minister as being qualified in respect of industry other than agriculture.

(4) In the last preceding subsection “ qualified ”, in relation to any subject mentioned in paragraphs (a) to (e) of that subsection, means qualified as having had experience of, and shown capacity in, or otherwise as having special knowledge of, matters which relate to that subject as it affects the area of the river authority.

(5) If in the case of a particular river authority it appears to the Ministers that, by reason of special circumstances, the number of members of the authority, other than additional members, ought to exceed thirty-one, the order establishing the authority may provide that the number of members of the authority (excluding additional members) shall be such number, greater than thirty-one, as may be specified in the order.

(6) The provisions of Schedule 4 to this Act shall have effect with respect to river authorities.

(7) In this Act “ constituent council ”, in relation to a river authority, means the council of a county or county borough any part of which is comprised in the area of the river authority.

7.—(1) Members of a river authority appointed as mentioned in subsection (2) of the last preceding section (in this Act referred to as “ local authority members ” of a river authority) may be either members of the constituent councils or other persons. Local authority members of river authorities.

(2) The number of local authority members of a river authority to be appointed by each constituent council shall be specified in the order establishing the river authority, and for that purpose shall be determined by the Ministers having regard to the appropriate penny rate product for the relevant area of each such council for the relevant year (calculated in accordance with section 121 of this Act).

**PART II**

(3) Where, in the case of a particular constituent council, the Ministers, having regard to the proportion which the appropriate penny rate product for the relevant area of that council for the relevant year bears to the aggregate of the appropriate penny rate products for the relevant areas of all the comparable constituent councils for that year,—

- (a) consider it to be inappropriate that that council should appoint a local authority member of the river authority, or
- (b) consider that one or more local authority members of the river authority should be appointed jointly by that council and one or more of the other comparable constituent councils,

the order establishing the river authority may provide accordingly.

In this subsection “comparable constituent councils”, in relation to a county council, means constituent councils which are county councils, and, in relation to a county borough council, means constituent councils which are county borough councils.

(4) Where in accordance with paragraph (b) of the last preceding subsection the order provides for the joint appointment of one or more local authority members, and the councils by whom that appointment is to be made are unable to agree on an appointment, the local authority members in question shall be appointed by the Ministers on behalf of those councils.

(5) Where local authority members of a river authority are to be appointed by the council of a county, and, in the case of a particular county district in that county, the appropriate penny rate product for the relevant area of the county district council for the relevant year bears to the aggregate of the appropriate penny rate products for that year for the relevant areas of all the constituent county councils of the river authority a proportion greater than that borne by the number one to the total number of local authority members of the river authority to be appointed by county councils,—

- (a) the order establishing the river authority shall specify a number determined by the Ministers having regard to that proportion, and
- (b) the local authority members appointed by that county council shall include that number of persons appointed from among persons nominated by the council of that county district.

(6) In the appointment of local authority members of a river authority, the constituent councils shall, so far as may be practicable, select persons appearing to them to have a practical



knowledge of the matters to which the functions of the river authority will relate; and where two or more local authority members are to be appointed by the council of a county, the council (subject to the last preceding subsection) shall, so far as may be practicable, select persons each of whom has local associations with a different county district or group of county districts, having regard to the appropriate penny rate product for the relevant area of each county district council for the relevant year.

(7) A person shall not be eligible to be a local authority member of a river authority if he is an officer or servant of a local authority (whether one of the constituent councils or not) unless either—

- (a) he is an officer or servant of statutory water undertakers, not being one of the constituent councils, or
- (b) he is a member of the council, or one of the councils, by whom or on whose behalf he is appointed.

8.—(1) In this Act “additional members”, in relation to a river authority, means members of the authority (including local authority members thereof) appointed in pursuance of the following provisions of this section. Additional members of river authorities.

(2) The Yorkshire Ouse and Hull River Authority and the Trent River Authority shall each include one additional member to be appointed by the National Coal Board.

(3) Where it appears to the Minister, the Minister of Agriculture, Fisheries and Food and the Minister of Transport, in the case of a particular river authority, that, in comparison with the generality of river authorities,—

- (a) the authority will have exceptionally important functions relating to navigation, or
- (b) the performance of any functions of the authority will affect to an exceptional extent the functions of a navigation authority, harbour authority or conservancy authority in relation to a navigable waterway or harbour in the area of the river authority,

the order establishing the river authority may provide for the appointment by the Minister of Transport of an additional member or members to represent the interests of those affected by the performance of those functions of the river authority.

(4) Where for any year a drainage charge has been raised and levied on occupiers of chargeable hereditaments in a river authority area (whether it has been raised and levied by the river authority or, before the second appointed day, by a river board) the Minister of Agriculture, Fisheries and Food may appoint not more than two additional members of the river

**PART II** authority for that area from amongst persons appearing to him to represent occupiers of chargeable hereditaments in that area.

In this subsection "drainage charge" and "chargeable hereditaments" have the same meanings as in Part I of the Land Drainage Act 1961.

(5) Where the membership of a river authority includes one or more members appointed by virtue of subsection (2) or subsection (3) of this section, the order establishing the authority shall provide for the appointment of such additional local authority members (if any) as may be needed to make up the number required by section 6 (2) of this Act; and where that membership includes one or more members appointed by virtue of subsection (4) of this section, there shall also be appointed by or on behalf of the constituent councils, in such manner as the Ministers may direct, such additional local authority members (if any) as may be needed to make up the number so required.

Areas of river authorities for purposes of transferred functions.

9.—(1) For the purposes of the functions of a river authority relating to fisheries, the area of the authority shall include those tidal waters and parts of the sea adjoining the coast of the river authority area in which Her Majesty's subjects have the exclusive right of fishing, in so far as, apart from this subsection, those waters and parts of the sea would not be included in the river authority area for the purposes of the enactments relating to fisheries.

(2) Any question arising under the preceding subsection as to the extent of the tidal waters and parts of the sea included in the area of a river authority for the purposes mentioned in that subsection shall be determined by the Minister of Agriculture, Fisheries and Food, whose decision shall be final.

(3) For the purposes of the functions of a river authority relating to river pollution, the area of the authority shall include those tidal waters and parts of the sea adjoining the coast of the river authority area to which any of the provisions of the Rivers (Prevention of Pollution) Act 1951 for the time being apply by virtue of an order made, or having effect as if made, under section 6 of that Act, in so far as, apart from this subsection, those waters and parts of the sea would not be included in the river authority area for the purposes of the enactments relating to river pollution.

(4) The designation by or under this Act of the area of a river authority shall not be construed as affecting the performance by the authority, outside the limits of the area so designated, of any functions by virtue of—

(a) section 19 (1) of the Land Drainage Act 1961 (which relates to sea defence works), or

(b) the Rivers (Prevention of Pollution) Acts 1951 to 1961, or any order made under any of those Acts, whether before or after the passing of this Act.

(5) Nothing in this section shall affect the construction of any reference in this Act to a river authority area, other than any such reference in this section or in Schedule 3 to this Act.

10.—(1) Subject to the provisions of this section, the Ministers may at any time by order—

Alteration of river authority areas.

(a) alter any of the areas of river authorities, or

(b) designate a new area (consisting of any part of England and Wales, whether wholly or partly comprised in one or more of the areas specified in Schedule 1 to this Act or not) and establish a new river authority for the area so designated.

(2) The provisions of sections 6 to 8 of this Act shall have effect in relation to any new river authority established under this section.

(3) Any order under this section may contain such transitional, incidental, supplementary and consequential provisions as the Ministers consider necessary or expedient for the purposes of the order, including (but without prejudice to the generality of this subsection) such provisions as they consider necessary or expedient with respect to the transfer of functions, assets and liabilities, the amendment, adaptation or repeal of local enactments, or the application (subject to such exceptions, adaptations and modifications as may be specified in the order) of any of the provisions of Part IX of this Act or any regulations made thereunder.

(4) The provisions of Schedule 5 to this Act shall have effect with respect to orders under this section.

11.—(1) On or as soon as practicable after the second appointed day, the Ministers shall send to each of the river authorities established under section 3 of this Act a map of the area of the river authority; and, as soon as practicable after an order under the last preceding section comes into operation, the Ministers shall send to the river authority to whom the order relates—

Maps of river authority areas.

(a) in the case of an order altering the area of a river authority, a map of the area as altered by the order, or

(b) in the case of an order designating a new area, a map of that area.

(2) On or as soon as practicable after the second appointed day, the Minister of Agriculture, Fisheries and Food shall send

**PART II** to each of the river authorities established under section 3 of this Act a map—

(a) showing by a distinctive colour the extent to which any watercourse in the river authority area was treated as the main river, or part of the main river, for the purposes of the map or maps which, immediately before the second appointed day, were for the time being in force under section 6 of the River Boards Act 1948 with respect to the river board or river boards whose area or areas is or are comprised in the river authority area, and

(b) indicating (by a distinctive colour or otherwise) which (if any) of those watercourses are watercourses designated in a scheme made under section 3 of the Land Drainage Act 1961 (which relates to the designation of watercourses for drainage works in the interests of agriculture).

(3) Where any of the following events occurs, that is to say—

(a) by an order under the last preceding section a river authority is established for a new area designated in the order, or

(b) by an order under that section the area of a river authority is altered so as to affect any of the particulars shown on a main river map, or

(c) a scheme under section 3 of the Land Drainage Act 1961 is confirmed by the Minister of Agriculture, Fisheries and Food,

that Minister shall take action in accordance with the following provisions of this section.

(4) Subject to the next following subsection, the action to be taken by the Minister of Agriculture, Fisheries and Food in the circumstances mentioned in the last preceding subsection shall be such action, either—

(a) by requiring a river authority to send to him a main river map kept by the authority, and altering the map and sending it back to the river authority, or

(b) by preparing a new map and sending it to a river authority, and, where a main river map is already kept by that authority, directing that the new map is to be in substitution for that map,

as that Minister may consider appropriate for securing that, in each river authority area, there will be kept by the river authority a main river map—

(i) showing by a distinctive colour the extent to which any watercourse in the area is to be treated as the main river, or part of the main river, for the purposes of Part II of the Land Drainage Act 1930, and

(ii) indicating (by a distinctive colour or otherwise) which (if any) of those watercourses are watercourses designated in a scheme made under section 3 of the Land Drainage Act 1961.

(5) Before altering a map, or preparing a new map, under the last preceding subsection, the Minister of Agriculture, Fisheries and Food shall give notice of his intention to do so in such manner as he thinks best adapted for informing persons affected, and shall consider any objections made to him within the time and in the manner specified in that notice, and may then alter or prepare the map, whether in accordance with the proposals contained in the notice or otherwise:

Provided that this subsection shall not apply to the variation of a main river map (whether by way of altering the map or preparing a new map in substitution for it) where the variation is limited to that required in consequence of the confirmation of a scheme under section 3 of the Land Drainage Act 1961.

(6) A river authority may apply to the Minister of Agriculture, Fisheries and Food for the variation of the main river map kept by the authority and for that purpose shall send the map to that Minister; and on any such application that Minister—

- (a) if he intends to vary the map, whether in accordance with the proposals contained in the application or otherwise, shall give notice of his intention to do so in such manner as he thinks best adapted for informing persons affected, and shall consider any objections made to him within the time and in the manner specified in that notice, and may then vary the map, whether in accordance with the proposals contained in the notice or otherwise;
- (b) if he varies it, shall as soon as practicable send to the river authority either the map as varied or a new map prepared by him in substitution for it;
- (c) if he determines not to vary the map, shall as soon as practicable send it back to the river authority.

(7) Subject to the preceding provisions of this section, any map sent to a river authority under this section, except a map which has been superseded by a subsequent map sent thereunder, shall be kept at the principal office of the river authority; and the authority shall provide reasonable facilities for the inspection of the map by any person wishing to inspect it, and for the taking of copies of, and extracts from, the map.

(8) Any map which in accordance with the last preceding subsection is required to be kept at the principal office of a river authority—

- (a) if it is a map sent under subsection (1) of this section, shall be conclusive evidence for all purposes as to the boundaries of the river authority area, and

## PART II

(b) if it is a main river map, shall be conclusive evidence for all purposes as to what is the main river.

(9) Any map sent to a river authority under this section shall be taken to be a document within the meaning of the Documentary Evidence Act 1868, as applied to the Minister and to the Minister of Agriculture, Fisheries and Food respectively; and that Act, as so applied, shall have effect in relation to any map sent under subsection (1) of this section as if it had been issued by each of those Ministers acting separately and not jointly.

(10) In this section “main river map” means a map sent to a river authority under this section, otherwise than under subsection (1) thereof, in the form in which that map is for the time being in force.

*Water Resources Board*

Establishment  
and principal  
functions of  
Water  
Resources  
Board.

12.—(1) There shall be established a Board, to be called the “Water Resources Board”, which shall come into existence on such day as may be appointed by order made by the Minister.

(2) The Water Resources Board shall be charged with the duty of advising river authorities with respect to the performance of their new functions, and of advising the Minister with respect to the performance of his functions under section 1 of the Water Act 1945, as extended by section 1 of this Act, and with respect to such other matters (if any) as may be referred to the Board by the Minister.

(3) Without prejudice to the last preceding subsection, it shall be the duty of the Water Resources Board—

(a) to consider in what way action needs to be taken for the purposes of conserving, re-distributing or otherwise augmenting water resources, or of securing the proper use of water resources, either in England and Wales generally or in relation to any particular river authority area, and to give to the Minister (and, where the Board consider it appropriate, to other Ministers) and to river authorities the earliest possible notice of action which in the opinion of the Board will be needed for any of those purposes, together with such recommendations with respect thereto as may appear to the Board to be necessary or expedient;

(b) to keep under review the progress made from time to time in fulfilling the purposes mentioned in the preceding paragraph, and to make to the Minister (and, where the Board consider it appropriate, to other Ministers) and to river authorities such representations as may appear to the Board to be necessary or

expedient as to any matters affecting the fulfilment of those purposes ;

- (c) to give advice, at the request of any river authority, with respect to any matter relating to the performance by the authority of their functions under Parts III and IV of this Act ;
- (d) to bring to the notice of the Minister and of the river authority concerned any case where it appears to the Board that the arrangements in force in any river authority area with respect to any such matter as is mentioned in the last preceding paragraph need to be revised ;
- (e) to encourage and assist river authorities in the formulation of such plans as the Board think necessary for augmenting water resources in a river authority area by transferring water from another river authority area ;
- (f) to bring to the notice of the river authority concerned any case where it appears to the Board that, for the purpose of securing the proper use of water resources in a river authority area, the quality of the water contained in an inland water in that area needs to be improved, and that the requisite improvement could be obtained through the exercise of powers conferred by the Rivers (Prevention of Pollution) Acts 1951 to 1961 ;
- (g) to collate and from time to time publish information from which assessments can be made of the actual and prospective demand for water, and of actual and prospective water resources, in England and Wales, and (in so far as the Board consider it appropriate to do so) to collaborate with others in collating and publishing the like information relating to the demand for water, and water resources, in Great Britain generally.

(4) In connection with any of the matters referred to in the last preceding subsection, the Board may, and shall if so required by any Minister, carry out such research, make such inquiries and submit such reports as the Board may consider necessary or expedient or as the Minister in question may require ; and for the purposes of their functions under this subsection the Board may give directions requiring any river authority to furnish the Board with such information relating to water resources in the area of the river authority as may be specified in the directions.

(5) In the performance of their functions under this section, it shall be the duty of the Board to keep themselves informed as to the requirements, in respect of the supply of water, of such classes of users of water as are likely to make major demands on the water resources of river authority areas.

## PART II

(6) Nothing in subsections (2) to (5) of this section shall be construed as modifying the effect of any provision of this Act whereby any specific power or duty is conferred or imposed on the Water Resources Board or whereby an obligation is imposed on any other person to consult the Board.

Constitution  
of Water  
Resources  
Board.

**13.—**(1) The members of the Water Resources Board, of whom there shall be not more than eight, shall be appointed by the Minister, and he shall appoint one of them to be chairman and one to be deputy chairman.

(2) The members of the Board shall include at least one member appointed by the Minister as having special knowledge or experience of matters relating to the conservation and use of water resources in Wales.

(3) Subject to the following provisions of this section, a member of the Board, and the chairman and deputy chairman, shall hold and vacate office as such in accordance with the terms of his appointment.

(4) If the chairman or deputy chairman of the Board ceases to be a member of the Board, he shall also cease to be chairman or deputy chairman.

(5) A member of the Board may, by notice in writing addressed to the Minister, resign his membership, and the chairman or deputy chairman may, by the like notice, resign his office as such.

(6) If the Minister is satisfied that a member of the Board—

- (a) has become bankrupt, or made an arrangement with his creditors, or
- (b) is incapacitated by physical or mental illness, or
- (c) has been absent from meetings of the Board for a period longer than three consecutive months without the permission of the Board, or
- (d) is otherwise unable or unfit to discharge the functions of a member, or is unsuitable to continue as a member,

the Minister may remove him from his office as a member of the Board.

(7) A member of the Board who ceases to be a member, or ceases to be chairman or deputy chairman, shall be eligible for re-appointment.

(8) The Minister may pay to persons holding office as chairman, deputy chairman or member of the Board such remuneration in respect of that office as he may with the consent of the Treasury determine, and may pay to those persons such reasonable allowances as may be so determined in respect of expenses properly incurred by them in the performance of their duties.



## PART II

(9) In the case of any such person as the Minister may with the consent of the Treasury determine, the Minister may, in respect of that person's office as chairman, deputy chairman or member of the Board, pay such pension, allowance or gratuity to or in respect of him on his retirement or death, or such contributions or other payments towards provision for such a pension, allowance or gratuity, as may be so determined.

(10) As soon as may be after the making of any determination under the last preceding subsection, the Minister shall lay before each House of Parliament a statement of the amount of the pension, allowance or gratuity, or the contributions or other payments towards pension, allowance or gratuity, as the case may be, payable in pursuance of the determination.

(11) The provisions of Schedule 6 to this Act (which relate to the procedure of, and other matters concerning, the Water Resources Board) shall have effect with respect to the Board.

## PART III

## ASSESSMENT OF WATER RESOURCES AND RELATED MATTERS

**14.**—(1) It shall be the duty of each river authority, as soon as practicable after the second appointed day,— Periodical surveys.

- (a) to carry out a survey of the water resources of their area, and of the existing demand, on the part of statutory water undertakers and other persons, for the supply of water from those resources, and to prepare a report setting out the results of the survey ;
- (b) to prepare an estimate of the future demand, on the part of statutory water undertakers and other persons, for the supply of water from those resources during the period of twenty years from the date on which the survey is completed or such longer or shorter period from that date as the Water Resources Board may in any particular case direct ; and
- (c) to formulate proposals as to action to be taken by the river authority (whether by way of executing works or securing the execution of works by other persons or otherwise) for any of the purposes mentioned in section 4 of this Act, including action for giving effect to any notice or advice given to them by the Water Resources Board under section 12 of this Act.

(2) Each river authority shall keep under review the particulars contained in any report or estimate prepared by them, and any proposals formulated by them, in accordance with the preceding subsection, and shall in accordance with the next following subsection from time to time revise all such particulars

**PART III** and proposals, either by way of amendment or by carrying out a new survey and preparing a new report, preparing a new estimate, or formulating new proposals, as the authority may consider appropriate having regard to changes which have occurred since the previous survey or (as the case may be) the revision last effected by them under this subsection.

(3) A river authority shall carry out revisions in pursuance of the last preceding subsection at intervals of not more than seven years, and, subject to that requirement, at such times as they consider appropriate, having particular regard to the times at which like revisions are proposed to be carried out by other river authorities.

(4) The reference in section 4 of this Act to action which a river authority consider necessary or expedient as therein mentioned shall be taken to include action in accordance with any proposals of the authority (whether as originally formulated or as subsequently revised) in pursuance of this section.

(5) In the performance of their functions under this section a river authority shall consult the Water Resources Board ; and every river authority—

- (a) shall send to the Ministers, to the Water Resources Board and to the council of every county or county borough any part of which is comprised in the river authority area a copy of any report prepared by them in consequence of a survey under this section, and of any amendments made by them in any such report, and
- (b) shall furnish the Board with such other information as the Board may reasonably require with respect to anything done by the authority in pursuance of this section.

**Hydrometric schemes.**

**15.**—(1) Not later than the end of the period of one year beginning with the second appointed day, or of such extended period as the Water Resources Board may in any particular case allow, each river authority shall prepare and submit to the Board a scheme (in this Act referred to as a “hydrometric scheme”) for obtaining and recording such measurements and other particulars of—

- (a) rainfall in the area of the authority,
  - (b) the evaporation of water in that area,
  - (c) the flow, level or volume of inland waters in that area, other than inland waters falling within section 2 (3) of this Act, and
  - (d) other matters appearing to the authority to affect, or to be likely to affect, water resources in their area,
- as the river authority may consider necessary or expedient for

the performance of any of their functions, or as may be required for complying with any directions of the Water Resources Board.

PART III

(2) A hydrometric scheme prepared by a river authority shall include provision as to the works required to be constructed or altered, and apparatus required to be installed or modified, for the purposes of the scheme, and provision as to the way in which any such works and apparatus are to be maintained and used.

(3) In so far as it appears to the Water Resources Board that hydrometric schemes are needed for any such purposes as are mentioned in section 4 of this Act, the Board may give directions, either to river authorities generally or to any particular river authority, as to the measurements or particulars relating to—

- (a) any of the matters specified in paragraphs (a) to (c) of subsection (1) of this section, or
- (b) any other matters appearing to the Board to affect, or to be likely to affect, water resources in the river authority areas or area in question,

for which provision is to be made in a hydrometric scheme, as to the form of any hydrometric scheme, and as to the period within which the action provided for by such a scheme is to be carried out.

(4) Where a river authority have submitted a hydrometric scheme to the Water Resources Board, and the Board approve the scheme, with or without modifications, it shall be the duty of the river authority to take all such steps as are reasonably practicable for carrying out the scheme as approved by the Board:

Provided that the Board shall not approve a scheme with modifications except after consultation with the river authority concerned.

(5) At any time when required to do so by the Water Resources Board, and, subject to any such requirement, at intervals of not more than seven years, each river authority shall review the provisions of the hydrometric scheme submitted by the authority and approved (with or without modifications) by the Board under this section, and shall submit to the Board such proposals for alterations or additions to the scheme as the authority may consider necessary or expedient in consequence of the review.

(6) Where any such proposals have been submitted to the Board, the Board, after consultation with the river authority concerned, may amend the scheme to such extent as they consider appropriate having regard to those proposals and to any other material considerations; and it shall be the duty of

**PART III** the river authority to take all such steps as are reasonably practicable for carrying out the scheme as amended by the Board under this subsection.

(7) Subsections (2) and (3) of this section shall apply (with the necessary modifications) in relation to any proposals for alterations or additions to a hydrometric scheme as they apply in relation to the preparation of such a scheme.

(8) In the following provisions of this Act, any reference to a hydrometric scheme is a reference to such a scheme in the form in which (whether as originally approved by the Board or as subsequently amended) that scheme is for the time being in force.

Information obtained in pursuance of hydrometric schemes.

**16.**—(1) The Water Resources Board may give directions requiring any river authority to furnish the Board with such information obtained by the authority in pursuance of a hydrometric scheme as may be specified in the directions.

(2) Without prejudice to the preceding subsection, each river authority shall provide reasonable facilities for the inspection of records kept by them in pursuance of a hydrometric scheme, and for the taking of copies of, and extracts from, such records.

(3) Facilities provided by a river authority in accordance with the last preceding subsection—

(a) shall be available free of charge to all local authorities and internal drainage boards whose areas or districts are wholly or partly comprised in the area of the river authority, and

(b) shall be available to all other persons on payment of such fees as may be approved by the Minister after considering any recommendation of the Water Resources Board relating thereto.

Gauges and records kept by other persons.

**17.**—(1) Any person, other than a river authority, who proposes, on or after the second appointed day, to instal a gauge for measuring and recording the flow, level or volume of any inland water in a river authority area, other than an inland water falling within section 2 (3) of this Act,—

(a) shall give notice to the river authority of his proposal to instal the gauge, and shall not begin the work of installing it before the end of the period of three months beginning with the date of service of the notice or such shorter period as the river authority may in any particular case allow, and

(b) not more than one month after the work is completed, shall give notice to the river authority stating where the records obtained by means of the gauge are to be kept:

Provided that this subsection shall not apply to any gauge installed for the sole purpose of indicating the level of an

inland water for the benefit of persons who fish in it, or to any gauge which is removed at or before the end of the period of twenty-eight days beginning with the date on which it is installed.

(2) A river authority shall have the right, at all reasonable hours, to inspect any records kept by any other person of the flow, level or volume of any inland water in the area of the authority, other than an inland water falling within section 2 (3) of this Act, and to take copies of, and extracts from, any such records.

(3) Any person who contravenes subsection (1) of this section, or who without reasonable excuse refuses or fails to permit any inspection, or the taking of any copy or extract, reasonably required in pursuance of the last preceding subsection, shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

18.—(1) A river authority may after consultation with the Water Resources Board, and shall if so directed by the Board, formulate proposals for the construction of wells, boreholes or other works for either or both of the following purposes, that is to say—

Investigation of water in underground strata.

- (a) ascertaining the presence of water in any underground strata in the river authority area or the quality or quantity of any such water, and
- (b) ascertaining the effect of abstracting any such water on the abstraction of water from any other source of supply in that area or on the flow, level or volume of water in any such source of supply.

(2) A river authority shall submit to the Water Resources Board any proposals formulated by them under this section; and if the proposals are approved by the Board, with or without modification, it shall be the duty of the river authority to take all such steps as are reasonably practicable for carrying out the proposals as approved by the Board.

19.—(1) As soon as practicable after the second appointed day, each river authority shall consider—

Minimum acceptable flows.

- (a) for which inland waters in their area (other than inland waters falling within section 2 (3) of this Act) minimum acceptable flows ought to be determined under this Act, and
- (b) whether, for the purpose of determining minimum acceptable flows for those waters, they ought to be dealt with simultaneously or successively, and, if successively, how for that purpose they should be grouped or arranged and in what order.

## PART III

(2) In the performance of their functions under the last preceding subsection a river authority shall consult the Water Resources Board ; and, if a river authority and the Board are unable to agree with respect to any question arising under that subsection, the matter shall be referred to the Minister, who may determine it and give directions to the river authority as to the action to be taken by them in relation thereto.

(3) When a river authority have completed consideration of the matters referred to in subsection (1) of this section, they shall as soon as practicable thereafter prepare and submit to the Minister a draft statement or a series of draft statements (in accordance with their determination of the questions referred to in subsection (1) (b) of this section) indicating with respect to each of the inland waters for which minimum acceptable flows are to be determined—

- (a) the control points at which the flow of water is to be measured, and the method of measurement to be used at each control point, and
- (b) the flow which is to be the minimum acceptable flow at each such control point.

(4) Before preparing so much of any draft statement under this section as relates to any particular inland water, the river authority shall consult—

- (a) any statutory water undertakers having the right to abstract water therefrom ;
- (b) any other statutory water undertakers having the right to abstract water from any underground strata, where it appears to the river authority, having regard to the extent to which the level of water in those strata depends on the flow of that inland water, that the exercise of that right may be substantially affected by the draft statement in so far as it relates to that inland water ;
- (c) any internal drainage board from whose drainage district water is discharged into that inland water or in whose district any part of it is situated ;
- (d) any navigation authority, harbour authority or conservancy authority having functions in relation to that inland water, or, if it is a tidal water and there is no such navigation authority, harbour authority or conservancy authority, the Minister of Transport ;
- (e) any navigation authority, harbour authority or conservancy authority having functions in relation to any other inland water, where it appears to the river authority that changes in the flow of the inland water in question may affect the flow of that other inland water, or, if that other inland water is a tidal water

and there is no such navigation authority, harbour authority or conservancy authority, the Minister of Transport ; and

PART III

(f) the Central Electricity Generating Board.

(5) In determining the flow to be specified in relation to any inland water under subsection (3) (b) of this section, the river authority shall have regard to the character of the inland water and its surroundings (and, in particular, any natural beauty which the inland water and its surroundings may possess) and to the flow of water therein from time to time ; and the flow so specified shall be not less than the minimum which in the opinion of the river authority is needed for safeguarding the public health and for meeting (in respect both of quantity and quality of water) the requirements of existing lawful uses of the inland water, whether for agriculture, industry, water supply or other purposes, and the requirements of land drainage, navigation and fisheries, both in relation to that inland water and in relation to other inland waters whose flow may be affected by changes in the flow of that inland water.

(6) The provisions of Part I, and, where applicable, Part IV, of Schedule 7 to this Act shall have effect with respect to draft statements under this section and with respect to the approval of statements submitted as draft statements thereunder.

20.—(1) Each river authority shall keep under review any statement of minimum acceptable flows relating to inland waters in their area (being a statement approved under the last preceding section or under this section) and shall at the requisite intervals submit to the Minister—

Periodical  
review of  
minimum  
acceptable  
flows.

(a) any such draft statement, in substitution for a statement of minimum acceptable flows for the time being in force, or

(b) such proposals for amending any statement of minimum acceptable flows for the time being in force,

as they consider appropriate in consequence of the review.

(2) For the purposes of the preceding subsection each river basin in a river authority area shall be dealt with separately, but all inland waters comprised in any one such basin shall be taken together, and time shall be reckoned from the earliest date on which a statement under the last preceding section relating to any one or more inland waters in the river basin in question was approved ; and the requisite intervals for those purposes, in relation to inland waters comprised in any such river basin, shall be such intervals, not exceeding seven years, as the river authority consider appropriate.

(3) The provisions of subsections (2) to (5) of the last preceding section shall apply (with the necessary modifications) to draft statements and proposals under this section.

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**PART III**

(4) The provisions of Part I, and, where applicable, Part IV, of Schedule 7 to this Act shall have effect with respect to draft statements under subsection (1) (a) of this section and with respect to the approval of statements submitted as draft statements thereunder; and the provisions of Part II, and, where applicable, Part IV, of that Schedule shall have effect with respect to proposals under subsection (1) (b) of this section.

(5) In the following provisions of this Act, any reference to the minimum acceptable flow, in relation to an inland water, is a reference to that flow as specified in a statement approved under the last preceding section or under this section, in the form in which (whether as originally approved or as subsequently amended) that statement is for the time being in force.

**Additional powers of Minister in relation to minimum acceptable flows.**

**21.—(1)** Where a draft statement relating to any inland waters is submitted to the Minister under section 19 or section 20 of this Act, and is not approved thereunder, with or without modifications, the Minister, after consultation with the Water Resources Board and the river authority by whom the statement was submitted, may require the Board to prepare and submit to him a draft statement relating to those inland waters.

(2) The Water Resources Board, where required to do so under the preceding subsection, shall prepare and submit to the Minister a draft statement accordingly; and the provisions of Part III, and, where applicable, Part IV, of Schedule 7 to this Act shall have effect with respect to any draft statement submitted under this subsection and with respect to the approval of statements submitted as draft statements thereunder.

(3) Without prejudice to the provisions of the last preceding section as to the amendment of statements in pursuance of proposals submitted by river authorities, the Minister may at any time himself prepare proposals for amending any statement of minimum acceptable flows for the time being in force; and the provisions of Part III, and, where applicable, Part IV, of Schedule 7 to this Act shall have effect with respect to any proposals of the Minister for amending such a statement under this subsection:

Provided that, before preparing proposals under this subsection with respect to any inland water, the Minister, except where he is acting on the application of the river authority in whose area the inland water is situated, shall consult that river authority and the Water Resources Board.

(4) The provisions of section 19 (3) to (5) of this Act shall apply (with the necessary modifications) to draft statements submitted to the Minister, and to proposals of the Minister, under this section; and in section 20 of this Act any reference to a statement approved under section 19 of this Act shall



be construed as including a reference to a statement approved under this section. PART III

22.—(1) Where it appears to a river authority, in the case of any particular inland water, that it would be appropriate to measure the level or the volume, either instead of, or in addition to, the flow, the river authority may determine that sections 19 and 20 of this Act shall apply in relation to that inland water as if any reference to the flow were, or (as the case may be) included, a reference to the level or the volume, as the case may be. Measurement of level or volume instead of, or in addition to, flow.

(2) Where a river authority so determine with respect to any inland water, any draft statement prepared under those sections, in so far as it relates to that inland water, shall state whether the level or the volume is to be measured, and whether instead of, or in addition to, the flow; and the provisions of section 21 (3) and Part IV of this Act shall apply in relation to that inland water as if any reference therein to the flow were, or (as the case may be) included, a reference to the level or the volume, as the case may be, and "minimum acceptable flow" in those provisions shall be construed accordingly.

(3) Where in accordance with the last preceding section the Water Resources Board prepare a draft statement, or the Minister (otherwise than on the application of a river authority) proposes to amend a statement, the preceding provisions of this section shall apply, with the necessary modifications, as if any reference to a river authority were a reference to the Board or the Minister, as the case may be.

#### PART IV

##### CONTROL OF ABSTRACTION AND IMPOUNDING OF WATER

###### *General provisions as to abstraction of water*

23.—(1) Subject to the following provisions of this Part of this Act, as from the end of the period of three months beginning with the second appointed day (in this Act referred to as "the initial period") no person shall abstract water from any source of supply in a river authority area, or cause or permit any other person so to abstract any water, except in pursuance of a licence under this Act granted by the river authority and in accordance with the provisions of that licence. General restrictions.

(2) Where by virtue of the preceding subsection the abstraction of water contained in any underground strata is prohibited except in pursuance of a licence under this Act, no person shall after the end of the initial period begin, or cause or permit any other person to begin, to—

(a) construct any well, borehole or other work whereby water may be abstracted from those strata, or

## PART IV

- (b) extend any such well, borehole or other work, or
- (c) instal or modify any machinery or apparatus whereby additional quantities of water may be abstracted from those strata by means of a well, borehole or other work,

unless the abstraction of the water, or the additional quantities of water, as the case may be, is authorised by a licence under this Act, and the well, borehole or work as constructed or extended, or the machinery or apparatus as installed or modified, fulfils the requirements of that licence as to the means whereby water is authorised to be abstracted.

(3) Subject to the provisions of Part X of this Act with respect to the Water Act 1958, the restrictions imposed by this section shall have effect notwithstanding anything in any other enactment contained in any Act passed before the passing of this Act, or in any statutory provision made or issued, whether before or after the passing of this Act, by virtue of such an enactment.

Exceptions  
from general  
restrictions.

24.—(1) The restriction imposed by subsection (1) of the last preceding section does not apply to any abstraction of a quantity of water not exceeding one thousand gallons, if it does not form part of a continuous operation, or of a series of operations, whereby in the aggregate more than one thousand gallons of water are abstracted.

(2) The restriction imposed by subsection (1) of the last preceding section does not apply to any abstraction from an inland water by or on behalf of an occupier of land contiguous to that water at the place where the abstraction is effected, in so far as the water—

- (a) is abstracted for use on a holding consisting of that land with or without other land held therewith, and
- (b) is abstracted for use on that holding for either or both of the following purposes, that is to say, the domestic purposes of the occupier's household and agricultural purposes other than spray irrigation :

Provided that, where under section 55 of this Act it is so determined, this subsection shall apply as if any reference to use on such a holding as is mentioned in this subsection were a reference to use on the relevant part of such a holding as determined under that section.

(3) The restriction imposed by subsection (1) of the last preceding section does not apply to the abstraction of water from underground strata, in so far as the water is abstracted by or on behalf of an individual as a supply of water for the domestic purposes of his household.

(4) The restriction imposed by subsection (1) of the last preceding section does not apply to any abstraction of water from a source of supply—

- (a) in the course of, or resulting from, any operations for purposes of land drainage, or
- (b) in so far as the abstraction (where it does not fall within the preceding paragraph) is necessary to prevent interference with any mining, quarrying, engineering, building or other operations (whether underground or on the surface) or to prevent damage to works resulting from any such operations ;

and where in the course of any such operations as are mentioned in paragraph (b) of this subsection water is abstracted from an excavation to which section 2(2)(b) of this Act applies, and the abstraction is necessary as mentioned in paragraph (b) of this subsection, the exemption conferred by this subsection shall apply notwithstanding that the water is used for the purposes of the operations.

(5) In the case of any abstraction of water from underground strata which falls within subsection (3) or subsection (4) of this section, the restriction imposed by subsection (2) of the last preceding section does not apply to the construction or extension of any well, borehole or other work, or the installation or modification of machinery or other apparatus, for the purpose of abstracting the water.

(6) The restriction imposed by subsection (1) of the last preceding section does not apply to any transfer of water from one inland water to another in the course of, or resulting from, any operations carried out by a navigation authority, harbour authority or conservancy authority in the performance of their functions as such an authority.

(7) The restriction imposed by subsection (1) of the last preceding section does not apply to any abstraction by machinery or apparatus installed on a vessel, where the water is abstracted for use on that, or any other, vessel.

(8) The restrictions imposed by the last preceding section do not apply to the doing of anything for fire-fighting purposes (within the meaning of the Fire Services Act 1947) or for the purpose of testing apparatus used for those purposes or of training or practice in the use of such apparatus.

(9) The restrictions imposed by the last preceding section do not apply to the abstraction of water, or to the construction or extension of any well, borehole or other work, or the installation

**PART IV** or modification of machinery or other apparatus, if it is for the purpose—

- (a) of ascertaining the presence of water in any underground strata or the quality or quantity of any such water, or
- (b) of ascertaining the effect of abstracting water from the well, borehole or other work in question on the abstraction of water from, or the level of water in, any other well, borehole or other work or any inland water,

and it is carried out with the consent of the river authority and in compliance with any conditions imposed by that authority.

Power to provide further exceptions.

**25.—(1)** Any of the relevant authorities, after consultation with the other relevant authorities (if any), may apply to the Minister for an order excepting any one or more sources of supply in a river authority area from the restriction imposed by section 23(1) of this Act, on the grounds that the restriction so imposed is not needed in relation to that source of supply or those sources of supply, as the case may be.

(2) An application under this section may be made in respect of—

- (a) any one or more inland waters specified in the application, or any class of inland waters so specified, or
- (b) any underground strata described in the application, whether by reference to their formation or their location in relation to the surface of the land or in relation to other strata subjacent to that surface or partly in one way and partly in another,

and an order may be made under this section accordingly:

Provided that any one order under this section shall be limited to one river authority area and shall not extend to any source of supply outside that area.

(3) For the purposes of this section—

- (a) a river authority is a relevant authority in relation to all sources of supply in their area;
- (b) a navigation authority, harbour authority or conservancy authority having functions in relation to any inland water is a relevant authority in relation to that inland water.

(4) Before applying to the Minister for an order under this section, the applicant authority shall consult the Water Resources Board, and may then submit to the Minister a draft order together with a statement of any observations made by the Board with respect to the application.

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(5) Part I, and, where applicable, Part IV, of Schedule 7 to this Act shall have effect in relation to any application under this section, as if—

- (a) any reference to a draft statement were a reference to a draft order, and any reference to the approval of a statement were a reference to the making of an order,
- (b) any reference to an inland water to which the draft statement relates were a reference to a source of supply to which the draft order relates, and
- (c) paragraph 4 (g) of that Schedule were omitted.

(6) In relation to any application under this section made by a relevant authority other than a river authority, the provisions of Schedule 7 to this Act applied by the last preceding subsection shall have effect subject to the following further modifications, that is to say:—

- (a) except in paragraphs 9 and 16 of that Schedule, any reference to the river authority, unless the reference is to the river authority area, shall be construed as a reference to the applicant authority ;
- (b) in paragraph 9 of that Schedule, the first reference to the river authority shall be construed as a reference to the applicant authority, and the second such reference shall be construed as a reference to the river authority and the applicant authority ;
- (c) the river authority shall be included among the bodies on whom, under paragraph 4 of that Schedule, a copy of the notice is required to be served.

(7) If, in the case of a source of supply in a river authority area,—

- (a) it appears to the Minister, after consultation with the river authority and the Water Resources Board, that the question whether the restriction imposed by section 23 (1) of this Act is needed in relation to that source of supply ought to be determined, but
- (b) no application for an order under this section has been made,

the Minister may direct the river authority to submit to him a draft order under this section with respect to that source of supply.

(8) Part I, and, where applicable, Part IV, of Schedule 7 to this Act shall have effect in relation to any draft order submitted to the Minister in pursuance of the last preceding subsection, subject to the modifications specified in subsection (5) of this section and to the further modification that paragraph 8 of that Schedule shall apply in relation to any objection received

## PART IV

by the Minister from the river authority as it applies in relation to an objection received by him from a person on whom a notice is required by that Schedule to be served.

(9) On the coming into operation of an order under this section—

- (a) the restriction imposed by subsection (1) of section 23 of this Act (and, in the case of any underground strata, the restriction imposed by subsection (2) of that section) shall cease to apply to any source of supply to which the order relates, and
- (b) any licence granted under this Act which is for the time being in force shall cease to have effect in so far as it authorises abstraction from any such source of supply.

Protected rights to abstract water.

**26.**—(1) For the purposes of the following provisions of this Part of this Act—

- (a) a person who is for the time being the holder of a licence under this Act to abstract water shall be taken to have a right to abstract water to the extent authorised by the licence and in accordance with the provisions contained in it ;
- (b) a person who is in a position to abstract water in such circumstances that, by virtue of section 24 (2) or section 24 (3) of this Act, the restriction imposed by section 23 (1) of this Act does not apply thereto shall be taken to have a right to abstract water to the extent specified in section 24 (2) or section 24 (3) of this Act, as the case may be ;

and “ protected right under this Act ” means such a right as a person is taken to have by virtue of this subsection, and any reference to the person entitled to such a right shall be construed accordingly.

(2) Any reference in this Act to abstracting water so as to derogate from a protected right under this Act is a reference to abstracting water in such a way, or to such an extent, as to prevent the person entitled to that right from abstracting water to the extent mentioned in paragraph (a) or paragraph (b) of the preceding subsection, as the case may be.

Who may apply for a licence.

**27.**—(1) Subject to the following provisions of this Part of this Act as to licences of right, no application for a licence under this Act to abstract water shall be entertained unless it is made by a person entitled to make the application in accordance with the following provisions of this section.

(2) In relation to abstractions from an inland water, a person shall be entitled to make such an application if, at the place

(or, if more than one, at each of the places) at which the proposed abstractions are to be effected, either—

- (a) he is the occupier of land contiguous to that inland water, or
- (b) he satisfies the river authority that he has, or at the time when the proposed licence is to take effect will have, a right of access to such land.

(3) In relation to abstractions from underground strata, any person who is the occupier of land consisting of or comprising those underground strata shall be entitled to make such an application.

(4) Any reference in this section to a person who is the occupier of land of any description includes a reference to a person who satisfies the river authority that he has entered into negotiations for the acquisition of an interest in land of that description such that, if the interest is acquired by him, he will be entitled to occupy that land.

**28.—**(1) A river authority shall not entertain an application for a licence under this Act to abstract water, other than a licence of right, unless it is accompanied by a copy of a notice in the prescribed form, and by the prescribed evidence—

Publication  
of application  
for licence.

- (a) that the notice has been published in the London Gazette and at least once in each of two successive weeks in one or more newspapers (other than the London Gazette) circulating in the relevant locality, and
- (b) where the licence applied for is for abstraction from an inland water, that a copy of the notice has, not later than the date on which it was first published (otherwise than in the London Gazette) as mentioned in the preceding paragraph, been served on any navigation authority, harbour authority or conservancy authority having functions in relation to that inland water at any proposed point of abstraction, and on any internal drainage board within whose district any proposed point of abstraction is situated.

(2) Any such notice as is mentioned in the preceding subsection shall (in addition to any other matters required to be contained therein)—

- (a) name a place within the relevant locality where a copy of the application, and of any map, plan or other document submitted with it, will be open to inspection by the public, free of charge, at all reasonable hours during a period specified in the notice in accordance with the next following subsection, and

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(b) state that any person may make representations in writing to the river authority with respect to the application at any time before the end of that period.

(3) The period specified in a notice in pursuance of the last preceding subsection shall be a period beginning not earlier than the date on which the notice is first published in a newspaper other than the London Gazette, and ending not less than twenty-eight days from that date and not less than twenty-five days from the date on which the notice is published in the London Gazette; and a river authority shall not determine any such application as is mentioned in subsection (1) of this section before the end of the period so specified.

(4) In this section "relevant locality", in relation to an application for a licence under this Act, means the locality in which any proposed point of abstraction is situated, and "proposed point of abstraction" means a place where a licence, if granted in accordance with the application, would authorise water to be abstracted.

**Determination  
by river  
authority of  
application  
for licence.**

**29.—(1)** The provisions of this section shall have effect where application is made to a river authority for a licence under this Act to abstract water, other than a licence of right.

(2) The river authority shall not grant a licence authorising the abstraction of water so as to derogate from any rights which, at the time when the application is determined by the river authority, are protected rights under this Act.

(3) Without prejudice to the last preceding subsection, the river authority, in dealing with the application, shall have regard to—

(a) any representations in writing relating to the application which are received by them before the end of the period mentioned in subsection (2) of the last preceding section, and

(b) the requirements of the applicant, in so far as they appear to the river authority to be reasonable requirements.

(4) In the following provisions of this section "the preceding provisions" means the provisions of subsections (2) and (3) of this section.

(5) Where the application relates to abstraction from an inland water, and is made at a time when no minimum acceptable flow for that inland water has been determined under this Act, the river authority, in dealing with the application, shall (without prejudice to the preceding provisions) have regard to the considerations by reference to which, in accordance with section 19(5) of this Act, a minimum acceptable flow for that inland water would fall to be determined.



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(6) Where the application relates to abstraction from an inland water, and is made at a time after a minimum acceptable flow for that inland water has been determined under this Act, the river authority, in dealing with the application, shall (without prejudice to the preceding provisions) have regard to the need to secure that the flow at any control point will not be reduced below the minimum acceptable flow at that point, or (if it is already less than that minimum acceptable flow) will not be further reduced below that minimum acceptable flow.

(7) Where the application relates to abstraction from underground strata—

- (a) the river authority shall (without prejudice to the preceding provisions) have regard to the requirements of existing lawful uses of water abstracted from those strata, whether for agriculture, industry, water supply or other purposes, and
- (b) if it appears to them that the proposed abstraction is likely to affect the flow, level or volume of an inland water (not being an inland water falling within section 2(3) of this Act or an inland water comprised in an order under section 25 of this Act), subsection (5) or subsection (6) of this section, as the case may be, shall apply (without prejudice to the preceding provisions or to paragraph (a) of this subsection) as if the application related to abstraction from that inland water.

(8) Subject to the preceding subsections, and to the following provisions of this Act, on any application to a river authority for a licence under this Act, other than a licence of right, the river authority—

- (a) may grant a licence containing such provisions as they consider appropriate, or
- (b) if, having regard to the provisions of this Act, they consider it necessary or expedient to do so, may refuse to grant a licence.

**30.—(1)** Every licence under this Act to abstract water—

- (a) shall make provision as to the quantity of water authorised to be abstracted in pursuance of the licence from the source of supply to which the licence relates during a period or periods specified in the licence, including provision as to the way in which that quantity is to be measured or assessed for the purposes of this Act, and
- (b) shall make provision for determining, by measurement or assessment, what quantity of water is to be taken to

Matters to be specified in licences.

**PART IV**

have been abstracted during any such period by the holder of the licence from the source of supply to which the licence relates.

(2) Every such licence shall indicate the means whereby water is authorised to be abstracted in pursuance of the licence, by reference either to specified works, machinery or apparatus or to works, machinery or apparatus fulfilling specified requirements.

(3) Every such licence, except a licence granted to a river authority, or to water undertakers (whether statutory or not) for the purposes of their undertaking as water undertakers, shall also specify the land on which, and the purposes for which, water abstracted in pursuance of the licence is to be used.

(4) Every such licence shall specify the person to whom the licence is granted.

(5) Every such licence shall state whether the licence is to remain in force until revoked or is to expire at a time specified in the licence.

(6) Different provision may be made by the same licence with respect to any one or more of the following matters, that is to say—

- (a) the abstraction of water during different periods ;
- (b) the abstraction of water from the same source of supply but at different points or by different means ;
- (c) the abstraction of water for use for different purposes,

and any such provision as is mentioned in subsection (1) of this section may be made separately in relation to each of the matters for which (in accordance with this subsection) different provision is made in the licence.

(7) Nothing in the last preceding subsection shall be construed as preventing two or more licences from being granted to the same person to be held concurrently in respect of the same source of supply, if the licences authorise the abstraction of water at different points or by different means.

**Effect of licence.**

**31.—**(1) Subject to the following provisions of this section, in any action brought against a person in respect of the abstraction of water from a source of supply, it shall be a defence for him to prove that the water was abstracted in pursuance of a licence under this Act, and that the provisions of the licence were complied with.

(2) The preceding subsection shall have effect without prejudice to the transitional provisions contained in section 56(5) of this Act.

(3) Nothing in subsection (1) of this section shall exonerate a person from any action for negligence or breach of contract.

(4) Subject to—

- (a) the next following section, and
- (b) any power under this Act to vary licences,

the person to whom a licence under this Act to abstract water is granted is for the purposes of this Act the holder of the licence.

(5) Where, in accordance with the provisions contained in a licence in pursuance of paragraph (b) of subsection (1) of the last preceding section, or in pursuance of that paragraph as modified by subsection (6) of that section, it has been determined what quantity of water is to be taken—

- (a) to have been abstracted during any period from a source of supply by the holder of the licence, or
- (b) to have been so abstracted at a particular point or by particular means, or for use for particular purposes,

that determination shall, for the purposes of any proceedings under this Act, be conclusive evidence of the matters to which it relates.

**32.**—(1) Where the holder of a licence under this Act to abstract water (in this section referred to as “the original holder”) is the occupier of the whole of the land specified in the licence as the land on which water abstracted in pursuance of the licence is to be used (in this section referred to as “the relevant land”), and either, being an individual, he dies, or by reason of any other act or event the original holder, whether an individual or not, ceases to be the occupier of the whole of the relevant land and does not continue to be the occupier of any part of that land, and (either immediately after his death or the occurrence of that other act or event or subsequently) another person (in this section referred to as “the successor”) becomes the occupier of the whole of the relevant land,—

- (a) the original holder (except where, being an individual, he has died) shall cease to be the holder of the licence, and
- (b) the successor shall become the holder of the licence.

(2) Where the preceding subsection applies, the successor shall cease to be the holder of the licence at the end of the period of one month beginning with the date, on which he became the occupier of the relevant land unless before the end of that period he has given to the river authority notice of the change in the occupation of the relevant land.

**PART IV**

(3) Provision may be made by regulations under this Act for conferring on a person who, after the death of the original holder or the occurrence of any other act or event whereby the original holder ceases to be the occupier of the relevant land or of part of that land, becomes the occupier of part of the relevant land, a right in such circumstances as may be specified in the regulations—

(a) to become the holder of the licence, subject to provisions corresponding to the last preceding subsection, or

(b) to apply for, and to the grant of, a new licence containing provisions (as to quantities of water and otherwise) determined in accordance with the regulations by reference to the provisions of the original licence,

or for conferring on the original holder, where he continues to be the occupier of part of the relevant land but ceases to be the occupier of another part of that land, a right, in such circumstances as may be specified in the regulations, to apply for, and to the grant of, a new licence as mentioned in paragraph (b) of this subsection.

(4) Any regulations made in pursuance of the last preceding subsection may provide that, in relation to an application for a licence made by virtue of the regulations, or to a person entitled to make such an application, the provisions of this Part of this Act shall have effect subject to such exceptions and modifications as may be specified in the regulations.

(5) Where an order under section 9 or section 23 of the Water Act 1945 provides for the transfer of, or the constitution of a joint board or joint committee to carry on, exercise or perform, any undertaking, rights or functions of the holder of a licence under this Act to abstract water, the order shall also provide for the transfer of the licence; and where such a licence is transferred by virtue of any such order, or by virtue of any other statutory provision, or is included in any sale or lease under section 122 of the Public Health Act 1936, the person to whom it is transferred, sold or leased shall become (in the case of such a transfer, to the extent specified in the statutory provision in question, and, in the case of a lease, for the period of the lease) the holder of the licence for the purposes of this Act.

(6) Where any person who becomes the holder of a licence by virtue of the provisions of this section or of regulations made thereunder gives notice to the river authority in accordance with those provisions, or any person who becomes the holder of a licence by virtue of the last preceding subsection notifies the river authority that he has become the holder of the licence, the river authority shall vary the licence accordingly; and where, by virtue of the provisions of this section or of any such regulations

a person ceases to be the holder of a licence in such circumstances that no other person thereupon becomes the holder of it, the licence shall cease to have effect.

(7) The preceding provisions of this section shall have effect without prejudice to the exercise of any power to revoke or vary licences under this Part of this Act.

### *Licences of right*

33.—(1) Where a person—

Entitlement  
to licence  
of right.

(a) by virtue of any statutory provision in force on the second appointed day, other than an order under the Water Act 1958, is entitled to abstract water from a source of supply in a river authority area, or

(b) has, otherwise than by virtue of a statutory provision, abstracted water from such a source of supply at any time within the period of five years ending with the second appointed day,

he shall, on application made to the river authority under this section before the end of the initial period, be entitled to the grant of a licence under this Act.

(2) In sections 34 and 35 of this Act, any reference to the predecessors of an applicant—

(a) in relation to a case falling within subsection (1) (a) of this section, is a reference to persons, other than the applicant, who abstracted water from the source of supply in question by virtue of the statutory provision referred to in that paragraph, and

(b) in any other case, is a reference to any person who was the predecessor in title of the applicant.

(3) For the purposes of this section, and of sections 34 and 35 of this Act, no account shall be taken of any water abstracted in contravention of section 14 (5) of the Water Act 1945 (which restricts the abstraction of underground water in areas to which that section is applied).

(4) Where, in a case falling within subsection (1)(a) of this section, there are in force on the second appointed day two or more separate statutory provisions (other than orders under the Water Act 1958) whereby the same person is entitled to abstract water from the same source of supply at different points or by different means, subsections (1) to (3) of this section, and the next following section, shall have effect separately in relation to each of those statutory provisions, and the applicant shall be entitled to two or more licences under this section accordingly:

Provided that this subsection shall have effect subject to any regulations made in accordance with the next following subsection.

**PART IV**

(5) Provision may be made by regulations under this Act for securing that where, on any application under this section, it appears to the river authority—

- (a) that the applicant would, apart from the regulations, be entitled to two or more licences under this section, by reason that he was entitled to abstract water by virtue of two or more separate statutory provisions in force on the second appointed day, whether those statutory provisions relate to different sources of supply or to abstraction from the same source of supply but at different points or by different means, and
- (b) that those sources of supply, or those different points or different means, as the case may be, have been, or are intended to be, used by the applicant in conjunction with each other (whether simultaneously or as alternatives or otherwise), and
- (c) that it is expedient that (instead of two or more licences) there should be granted to the applicant one licence under this section providing for them to be so used in pursuance of the licence,

the river authority may determine that a licence shall be granted in accordance with paragraph (c) of this subsection; and any such regulations may provide that, in relation to a licence so granted, the provisions of section 30 of this Act and of the next following section shall have effect subject to such exceptions and modifications as may be specified in the regulations.

(6) In this section “separate statutory provision” does not include a statutory provision which only amends or varies a previous statutory provision; but any reference in this or the next following section to a statutory provision (except where the reference is to the coming into operation thereof) shall, in relation to a statutory provision which has been amended or varied, be construed as a reference to that provision in the form in which it is for the time being in force.

(7) Any licence granted in pursuance of an application under this section, or in pursuance of an appeal consequential upon such an application, is referred to in this Act as a “licence of right”.

**Licences of right for statutory users.**

**34.—**(1) The provisions of this section shall have effect where an application under the last preceding section is made in a case falling within subsection (1) (a) of that section; and in this section—

- (a) “the relevant statutory provision” means the statutory provision by virtue of which the applicant is entitled to abstract water as mentioned in that paragraph, and

## PART IV

(b) "the relevant period" means the period of five years ending with the second appointed day or the period beginning with the coming into operation of the relevant statutory provision and ending with that day, whichever is the shorter.

(2) Subject to the following provisions of this section, the provisions of the licence, including those relating to the quantity of water authorised to be abstracted, shall be such as appear to the river authority to correspond as nearly as may be to those of the relevant statutory provision, and may, if the river authority think fit, be expressed by reference to that statutory provision.

(3) If the relevant statutory provision does not specify or otherwise limit the quantity of water authorised to be abstracted, any quantity specified in the licence as a quantity of water authorised to be abstracted in pursuance of the licence during a period or periods so specified shall, subject to the following provisions of this section, be determined by reference to the requirements of the applicant, as indicated by (and not, except by virtue of the next following subsection, to be taken to exceed) the quantities of water proved to the reasonable satisfaction of the river authority to have been abstracted from the source of supply in question by the applicant or his predecessors from time to time during the relevant period by virtue of the relevant statutory provision.

(4) In determining any quantity to be specified in the licence, in a case falling within the last preceding subsection, the river authority shall have regard to the terms of the relevant statutory provision and to such of the following matters as are proved to their reasonable satisfaction (in addition to the quantities of water proved to have been abstracted as mentioned in the last preceding subsection) that is to say—

- (a) the seasons of the year during which the quantities of water abstracted during the relevant period, as mentioned in the last preceding subsection, were so abstracted ;
- (b) the extent to which the abstraction of water has during the relevant period been, or is intended to be, limited to special occasions when, by reason of accident or other emergency, there has been, or may be, a temporary deficiency of water from other sources of supply ;
- (c) the extent to which works, machinery or apparatus authorised by the relevant statutory provision were reasonably provided by the applicant or his predecessors in anticipation of future requirements.

## PART IV

(5) In any case falling within subsection (3) of this section, the provision made by the licence as to the quantity of water authorised to be abstracted shall be such as will not permit the abstraction of water in excess of the quantity shown to the reasonable satisfaction of the river authority to be capable of being abstracted by means of either or both of the following, that is to say—

- (a) works, machinery or apparatus which were constructed or installed before the second appointed day, or were in the course of being constructed or installed on that day, and
- (b) any other works, machinery or apparatus the construction or installation of which was authorised by the relevant statutory provision,

not being (in either case) works, machinery or apparatus provided or authorised to be provided for use only in the event of an accident or other emergency involving a total or partial failure of other works, machinery or apparatus.

Licences of right for non-statutory users.

35.—(1) The provisions of this section shall have effect where an application under section 33 of this Act is made in a case falling within subsection (1)(b) of that section ; and in this section “the relevant period” means the period of five years ending with the second appointed day or the period beginning with the date on which the applicant or his predecessors began to abstract water from the source of supply in question and ending with the second appointed day, whichever is the shorter.

(2) Subject to the following provisions of this section, any quantity specified in the licence as a quantity of water authorised to be abstracted in pursuance of the licence during a period or periods so specified shall be determined by reference to the requirements of the applicant, as indicated by (and not, except by virtue of the next following subsection, to be taken to exceed) the quantities of water proved to the reasonable satisfaction of the river authority—

- (a) to have been abstracted from the source of supply in question by the applicant or his predecessors from time to time during the relevant period, and
- (b) to have been so abstracted for use on the land on which, and for the purposes for which, water abstracted in pursuance of the licence is authorised by the licence to be used :

Provided that paragraph (b) of this subsection shall not apply in the case of a licence granted to water undertakers for the purposes of their undertaking as water undertakers.



## PART IV

(3) In determining any quantity to be specified in the licence, the river authority shall have regard to such of the following matters as are proved to their reasonable satisfaction (in addition to the quantities of water proved to have been abstracted as mentioned in the last preceding subsection) that is to say—

- (a) the seasons of the year during which the quantities of water abstracted during the relevant period, as mentioned in the last preceding subsection, were so abstracted ;
- (b) the extent to which the abstraction of water has during the relevant period been, or is intended to be, limited to special occasions when, by reason of accident or other emergency, there has been, or may be, a temporary deficiency of water from other sources of supply ;
- (c) the extent to which works, machinery or apparatus were reasonably provided by the applicant or his predecessors in anticipation of future requirements.

(4) Any provision made by the licence as to the quantity of water authorised to be abstracted shall be such as will not permit the abstraction of water in excess of the quantity shown to the reasonable satisfaction of the river authority to be capable of being abstracted by means of works, machinery or apparatus which were constructed or installed before the second appointed day, or were in the course of being constructed or installed on that day, not being works, machinery or apparatus provided for use only in the event of an accident or other emergency involving a total or partial failure of other works, machinery or apparatus.

(5) Where the purposes specified in the licence as the purposes for which water abstracted in pursuance of the licence is to be used consist of or include spray irrigation, then, unless it is proved to the reasonable satisfaction of the river authority either—

- (a) that the applicant or his predecessors has before the passing of this Act abstracted water from the source of supply in question for the purpose of spray irrigation, or
- (b) that before the passing of this Act the applicant or his predecessors began to construct a reservoir for the storage of water to be abstracted from that source of supply and used for the purpose of spray irrigation, and that reservoir was completed and brought into use for that purpose before the second appointed day,

subsection (2) of this section shall not apply, and subsection (5) or subsection (7) (as the case may require) of section 29 of this

## PART IV

Act shall apply in relation to the application as if it were an application for a licence other than a licence of right, and as if, in those subsections, any reference to “the preceding provisions” were a reference to subsections (3) and (4) of this section.

*Control of impounding*

**General  
restriction on  
impounding  
works.**

36.—(1) Subject to the following provisions of this section, no person shall after the end of the initial period begin, or cause or permit any other person to begin, to construct or alter any impounding works at any point in an inland water in a river authority area (not being an inland water falling within section 2 (3) of this Act) unless—

- (a) a licence under this Act granted by the river authority to obstruct or impede the flow of that inland water at that point by means of impounding works is in force, and
- (b) the impounding works will not obstruct or impede the flow of the inland water except to the extent, and in the manner, authorised by the licence, and
- (c) any other requirements of the licence, whether as to the provision of compensation water or otherwise, are complied with.

(2) The restriction imposed by the preceding subsection does not apply to the construction or alteration of any impounding works, if—

- (a) the construction or alteration of those works, or
- (b) the obstruction or impeding of the flow of the inland water resulting from the construction or alteration of the works,

is authorised (in whatsoever terms, and whether expressly or by implication) by virtue of an alternative statutory provision which is for the time being in force.

(3) In the last preceding subsection “alternative statutory provision” means a statutory provision which is not contained in, or made or issued under, this Act or the Water Act 1958, and is or was passed, made or issued either—

- (a) before the end of the initial period, whether before or after the passing of this Act, or
- (b) after the end of that period, but in pursuance of an application made to the Minister before the end of that period, whether before or after the passing of this Act.

(4) The restriction imposed by subsection (1) of this section does not apply to the construction or alteration of impounding

works in the course of the performance by a navigation authority, harbour authority or conservancy authority of their functions as such an authority.

(5) Subject to subsections (2) to (4) of this section, and to the provisions of Part X of this Act with respect to the Water Act 1958, the restriction imposed by subsection (1) of this section shall have effect notwithstanding anything in any other enactment contained in any Act passed before the passing of this Act or in any statutory provision made or issued, whether before or after the passing of this Act, by virtue of such an enactment.

(6) In this Part of this Act "impounding works" means either of the following, that is to say—

- (a) any dam, weir or other works in an inland water whereby water may be impounded, and
- (b) any works for diverting the flow of an inland water in connection with the construction or alteration of any dam, weir or other works falling within the preceding paragraph,

and in section 26 (2) of this Act the first and second references to abstracting water shall be construed as including references to obstructing or impeding the flow of an inland water by means of impounding works.

37.—(1) Subject to the following provisions of this section, the person to whom a licence under the last preceding section is granted, and no other person, is for the purposes of this Act the holder of the licence. Provisions as to licences under s. 36.

(2) In any action brought against a person in respect of any obstruction or impeding of the flow of an inland water at any point by means of impounding works, it shall be a defence for him to prove that the flow was so obstructed or impeded in pursuance of a licence under this Act, and in the manner specified in that licence, and to an extent not exceeding the extent so specified, and that any other requirements of the licence were complied with:

Provided that nothing in this subsection shall exonerate a person from any action for negligence or breach of contract.

(3) Where a licence under the last preceding section is required for constructing or altering impounding works at a point in an inland water, for the purpose of abstracting water therefrom at or near that point,—

- (a) an application may be made to the river authority for a combined licence under this Act to obstruct or impede the flow of the inland water by means of impounding works at that point and to abstract the water, and

## PART IV

(b) the river authority (subject to the provisions of this Part of this Act as to procedure and as to the matters to be taken into account in dealing with applications for licences) may grant such a licence accordingly.

(4) Section 32 (5) of this Act shall apply to a licence under the last preceding section, or to a combined licence granted in accordance with the last preceding subsection, as it applies to a licence which relates only to the abstraction of water.

(5) Subject to the preceding provisions of this section, the provisions of sections 28 and 29 of this Act shall have effect in relation to applications for licences under the last preceding section (including a combined licence in so far as it is to be a licence under that section) as they have effect in relation to applications for licences to abstract water, as if any reference to abstracting water were a reference to obstructing or impeding the flow of an inland water by means of impounding works.

*Minister's powers in relation to applications for licences*

Reference of applications to Minister.

38.—(1) The Minister may give directions requiring applications for licences under this Act, other than licences of right, to be referred to him instead of being dealt with by river authorities.

(2) A direction under this section—

(a) may be given either to a particular river authority or to river authorities generally, and

(b) may relate either to a particular application or to applications of a class specified in the direction.

(3) Before determining an application referred to him under this section, the Minister may, if he thinks fit, and shall, if a request is made by the applicant or the river authority to be heard with respect to the application, cause a local inquiry to be held or afford to the applicant and the river authority an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

(4) The decision of the Minister on any application referred to him under this section shall be final; and where the decision is that a licence is to be granted, it shall include a direction to the river authority to grant a licence containing such provisions as may be specified in the direction.

Appeal against decision of river authority.

39.—(1) Where an application is made to a river authority for a licence under this Act, and the applicant is dissatisfied with the decision of the river authority on the application, he may by notice in writing under this section appeal to the Minister.

(2) Any notice under this section shall be served within such time (not being less than twenty-eight days from the date on

which the decision to which it relates was notified to the applicant) and in such manner as may be prescribed, and the applicant shall within that time serve a copy of the notice on the river authority.

(3) Where an appeal is brought under this section, the Minister, subject to the following provisions of this Part of this Act, may allow or dismiss the appeal, or may reverse or vary any part of the decision of the river authority, whether the appeal relates to that part thereof or not, and may deal with the application as if it had been made to him in the first instance.

(4) Where any representations in writing with respect to the application were made within the period mentioned in section 28 (2) of this Act, the Minister, before determining the appeal, shall require the river authority to serve a copy of the notice of appeal on each of the persons who made those representations; and the Minister, in determining the appeal, shall take into account any further representations in writing received by him from those persons within a prescribed period.

(5) Before determining an appeal under this section, the Minister may, if he thinks fit, and shall, if a request is made by the applicant or the river authority to be heard with respect to the appeal, cause a local inquiry to be held or afford to the applicant and the river authority an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

(6) The decision of the Minister on any appeal under this section shall be final; and where the decision is that a licence is to be granted or to be varied or revoked, it shall include a direction to the river authority to grant a licence containing, or vary the licence so as to contain, such provisions as may be specified in the direction, or to revoke the licence, as the case may be.

40. Where an application is made to a river authority for a licence under this Act, then unless within such period as may be prescribed, or within such extended period as may at any time be agreed upon in writing between the applicant and the river authority, the river authority either—

Appeal in  
default of  
decision  
of river  
authority.

- (a) give notice to the applicant of their decision on the application, or
- (b) give notice to him that the application has been referred to the Minister in accordance with directions given under section 38 of this Act,

the provisions of the last preceding section shall apply in relation to the application as if the licence had been refused by the river authority, and as if notification of their decision had been received by the applicant at the end of the prescribed period or at the end of the said extended period, as the case may be.

**PART IV**  
Provisions  
supplementary  
to ss. 38 to 40.

**41.**—(1) The provisions of this section shall have effect in relation to—

- (a) applications referred to the Minister under section 38 of this Act ;
- (b) appeals to the Minister under section 39 of this Act where the application to the river authority was for a licence other than a licence of right ; and
- (c) appeals to the Minister under section 39 of this Act where the application to the river authority was for a licence of right.

(2) In relation to any application referred to the Minister as mentioned in paragraph (a) of the preceding subsection, the provisions of subsections (1) and (3) of section 28 and of subsection (3) and subsections (5) to (7) of section 29 of this Act shall apply as if in those provisions, except in section 29 (3) (a), any reference to the river authority were a reference to the Minister.

(3) In determining any application referred to him under section 38 of this Act, and, in particular, in determining what (if any) direction to give under subsection (4) of that section, the Minister shall consider whether any such direction would require the grant of a licence so as to authorise derogation from protected rights.

(4) Subject to the provisions of subsections (2) and (3) of this section and of section 30 of this Act, on any such application the Minister—

- (a) may determine that a licence shall be granted containing such provisions as he considers appropriate, or
- (b) if, having regard to the provisions of this Act, he considers it necessary or expedient to do so, may determine that no licence shall be granted.

(5) In relation to any such appeal as is mentioned in paragraph (b) of subsection (1) of this section—

- (a) the provisions of subsection (3) (with the omission of paragraph (a)) and of subsections (5) to (7) of section 29 of this Act shall apply as if in those provisions any reference to the river authority were a reference to the Minister ; and
- (b) in determining the appeal, and, in particular, in determining what (if any) direction to give under section 39 (6) of this Act, the Minister shall consider whether any such direction would require the grant or variation of a licence so as to authorise derogation from protected rights.

## PART IV

(6) In relation to any such appeal as is mentioned in paragraph (c) of subsection (1) of this section, section 33 (4) and (5) and section 34 of this Act, or section 35 of this Act, as the case may be, shall apply as if any reference to the river authority were a reference to the Minister.

(7) The provisions of this section shall have effect without prejudice to section 38 (3) and section 39 (4) and (5) of this Act.

(8) In subsections (5) to (7) of section 29 of this Act, as applied by any enactment contained in this section, any reference to "the preceding provisions" shall be construed as a reference to—

(a) subsection (3) of that section as so applied, and

(b) subsection (3) or subsection (5) (b) of this section, as the case may be.

(9) References in this section to section 39 of this Act include references to the provisions of that section as applied by section 40 of this Act; and any reference in this section to authorising derogation from protected rights is a reference to authorising the abstraction of water, or, as the case may be, authorising the flow of an inland water to be obstructed or impeded by means of impounding works, so as to derogate from rights which, at the time when the direction in question is given, are protected rights under this Act.

*Revocation and variation of licences*

42.—(1) The holder of a licence under this Act may apply to the river authority to revoke the licence; and on any such application the river authority shall revoke the licence accordingly.

Revocation  
or variation  
on application  
of holder  
of licence.

(2) The holder of a licence under this Act may apply to the river authority to vary the licence; and the provisions of sections 28 and 29 and 38 to 41 of this Act shall apply (with the necessary modifications) to applications under this subsection, and to the variation of licences in pursuance of such applications, as they apply to applications for, and the grant of, licences under this Act:

Provided that, where the proposed variation is limited to reducing the quantity of water authorised to be abstracted in pursuance of the licence during one or more periods, sections 28 and 39 (4) of this Act shall not apply.

43.—(1) Where it appears to a river authority that a licence under this Act granted by the authority should be revoked or varied, the authority may formulate proposals for revoking or varying the licence.

Proposal  
by river  
authority to  
revoke or  
vary licence.

## PART IV

(2) Where, either in consequence of representations made to the Minister or otherwise, it appears to the Minister that a licence under this Act granted by a river authority ought to be reviewed, but no proposals for revoking or varying the licence have been formulated by the river authority under the preceding subsection, the Minister may, as he may consider appropriate in the circumstances,—

- (a) direct the river authority to formulate proposals for revoking the licence, or
- (b) direct the river authority to formulate proposals for varying the licence in such manner as may be specified in the direction.

(3) Notice in the prescribed form of any proposals formulated under either of the preceding subsections shall be served on the holder of the licence and published in the London Gazette and at least once in each of two successive weeks in one or more newspapers (other than the London Gazette) circulating in the relevant locality; and, if the licence relates to an inland water, and the proposals provide for variation of that licence, a copy of the notice shall, not later than the date on which it is first published otherwise than in the London Gazette, be served on any navigation authority, harbour authority or conservancy authority having functions in relation to that inland water at a place where the licence, if varied in accordance with the proposals, would authorise water to be abstracted or impounded.

(4) Any such notice as is mentioned in the last preceding subsection shall (in addition to any other matters required to be contained therein)—

- (a) name a place within the relevant locality where a copy of the proposals, and of any map, plan or other document prepared in connection with them, will be open to inspection by the public, free of charge, at all reasonable hours during a period specified in the notice in accordance with the next following subsection, and
- (b) state that, at any time before the end of that period, the holder of the licence may give notice in writing to the river authority objecting to the proposals, and any other person may make representations in writing to the river authority with respect to the proposals.

(5) The period specified in a notice in pursuance of the last preceding subsection shall be a period beginning not earlier than the date on which the notice is first published in a newspaper other than the London Gazette, and ending not less than twenty-eight days from that date and not less than twenty-five days from the date on which the notice is published in the London Gazette; and a river authority shall not proceed with any such proposals before the end of the period so specified.



(6) If before the end of that period the holder of the licence gives notice in writing to the river authority objecting to the proposals, the river authority shall refer the proposals to the Minister, with a copy of the notice of objection.

(7) If no notice under the last preceding subsection is given before the end of the period mentioned in subsection (4) of this section, the river authority may proceed with the proposals; and, where the proposals are proposals for varying the licence, the provisions of subsections (2) to (7) of section 29 of this Act shall apply (with the necessary modifications) to any action of the river authority in proceeding with the proposals as they apply to the action of a river authority in dealing with an application for a licence.

(8) Subject to the provisions of subsections (5) to (7) of this section, the river authority—

- (a) if the proposals are for the revocation of the licence, may revoke the licence;
- (b) if the proposals are proposals for varying the licence, may vary it in accordance with those proposals or, with the consent of the holder of the licence, may vary it in any other way.

(9) In this section “the relevant locality” means the locality in which the place or places where the licence authorises water to be abstracted or impounded is or are situated.

44.—(1) Where any proposals of a river authority under the last preceding section are referred to the Minister in accordance with subsection (6) of that section, the Minister shall consider the proposals and the objection of the holder of the licence, and any representations in writing relating to the proposals which were received by the river authority before the end of the period mentioned in subsection (4) of the last preceding section, and, subject to the next following subsection, shall determine whether—

Reference of proposals to Minister.

- (a) if the proposals were for the revocation of the licence, the licence should be revoked, or
- (b) if the proposals were proposals for varying the licence, the licence should be varied as mentioned in subsection (8) (b) of the last preceding section.

(2) Before determining under this section whether a licence should be revoked or varied, the Minister may, if he thinks fit, and shall, if a request is made by the holder of the licence or the river authority to be heard with respect to the proposals, cause a local inquiry to be held or afford to the holder of the licence and the river authority an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

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(3) A decision of the Minister under this section with respect to any proposals shall be final; and where the decision is that the licence should be revoked or varied, it shall include a direction to the river authority to revoke the licence, or, as the case may be, to vary it so as to contain such provisions as may be specified in the direction.

(4) The provisions of subsections (5) to (7) of section 29 of this Act shall apply in relation to any proposals referred to the Minister as mentioned in subsection (1) of this section as if in those provisions any reference to the river authority were a reference to the Minister and any reference to the application were a reference to the proposals.

(5) In determining under this section whether a licence should be varied, and, if so, what direction should be given under subsection (3) of this section, the Minister shall consider whether any such direction would require the licence to be varied so as to authorise derogation from protected rights.

(6) In subsections (5) to (7) of section 29 of this Act, as applied by subsection (4) of this section, any reference to "the preceding provisions" shall be construed as a reference to subsections (1) and (5) of this section.

(7) Any reference in this section to authorising derogation from protected rights shall be construed in accordance with subsection (9) of section 41 of this Act.

**45.—**(1) The provisions of this section shall have effect where at any time—

- (a) one or more licences under this Act are in force in relation to a source of supply in a river authority area, authorising water abstracted in pursuance of the licences to be used for the purpose of spray irrigation, or for that purpose together with other purposes, and
- (b) by reason of exceptional shortage of rain or other emergency, it appears to the river authority that it is necessary to impose a temporary restriction on the abstraction of water for use for that purpose.

(2) In so far as any such licence authorises water to be used for the purpose of spray irrigation, the river authority may serve a notice on the holder of the licence reducing, during such period as may be specified in the notice, the quantity of water authorised to be abstracted in pursuance of the licence from the source of supply in question for use for that purpose, and, in relation to that period, the licence shall have effect subject to that reduction accordingly:

Provided that the river authority shall not serve such a notice in respect of abstraction of water from underground strata unless it appears to them that such abstraction is likely to affect

Special provisions as to spray irrigation.

the flow, level or volume of an inland water (not being an inland water falling within section 2(3) of this Act or an inland water comprised in an order under section 25 of this Act).

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(3) In the exercise of the power conferred by the last preceding subsection, in a case where there are two or more such licences in force authorising abstraction from the same source of supply either at the same point or at points which, in the opinion of the river authority, are not far distant from each other,—

- (a) the river authority shall not serve such a notice on the holder of one of the licences unless a like notice is served on the holders of the other licences in respect of the same period, and
- (b) the reductions imposed by the notices on the holders of the licences shall be so calculated as to represent, as nearly as appears to the river authority to be practicable, the same proportion of the quantity of water authorised by the licences (apart from the notices) to be abstracted for use for the purpose of spray irrigation.

(4) The provisions of this section shall have effect without prejudice to the exercise of any power conferred by sections 42 to 44 of this Act.

**46.**—(1) Where a licence is revoked or varied under section 44 of this Act, and it is shown that the holder of the licence— Compensation  
for revocation  
or variation  
of licence.

- (a) has incurred expenditure in carrying out work which is rendered abortive by the revocation or variation, or
- (b) has otherwise sustained loss or damage which is directly attributable to the revocation or variation,

the river authority shall pay to him compensation in respect of that expenditure, loss or damage.

(2) For the purposes of this section, any expenditure incurred in the preparation of plans for the purposes of any work, or upon other similar matters preparatory to any work, shall be taken to be included in the expenditure incurred in carrying out that work.

(3) Subject to the last preceding subsection, no compensation shall be paid under this section in respect of any work carried out before the grant of the licence which is revoked or varied, or in respect of any other loss or damage arising out of anything done or omitted to be done before the grant of that licence:

Provided that this subsection shall not apply to a licence of right.

(4) No compensation shall be payable under this section in respect of a licence to abstract water, if it is shown that no

**PART IV**

water was abstracted in pursuance of the licence during the period of seven years ending with the date on which notice of the proposals for revoking or varying the licence was served on the holder of the licence.

(5) Any question of disputed compensation under this section shall be referred to and determined by the Lands Tribunal ; and in relation to the determination of any such compensation the provisions of sections 2 and 4 of the Land Compensation Act 1961 shall apply, subject to any necessary modifications.

(6) For the purpose of assessing any compensation under this section, in so far as that compensation is in respect of loss or damage consisting of depreciation of the value of an interest in land, the rules set out in section 5 of the Land Compensation Act 1961 shall, so far as applicable and subject to any necessary modifications, have effect as they have effect for the purpose of assessing compensation for the compulsory acquisition of an interest in land.

(7) Where the interest in land, in respect of which any compensation falls to be assessed in accordance with the last preceding subsection, is subject to a mortgage—

- (a) the compensation shall be assessed as if the interest were not subject to the mortgage ;
- (b) a claim for the compensation may be made by any mortgagee of the interest, but without prejudice to the making of a claim by the person entitled to the interest ;
- (c) no such compensation shall be payable in respect of the interest of the mortgagee (as distinct from the interest which is subject to the mortgage) ; and
- (d) any such compensation which is payable in respect of the interest which is subject to the mortgage shall be paid to the mortgagee, or, if there is more than one mortgagee, to the first mortgagee, and shall in either case be applied by him as if it were proceeds of sale.

**Application by owner of fishing rights for revocation or variation of licence.**

**47.**—(1) Where a licence under this Act, not being a licence of right, authorises abstraction from an inland water in respect of which no minimum acceptable flow has been determined under Part III of this Act, then, at any time after the end of the period of one year beginning with the date on which the licence was granted but before such a minimum acceptable flow has been so determined, any person who is the owner of fishing rights in respect of that inland water may apply to the Minister for the revocation or variation of the licence.

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(2) Any application under this section made by a person as owner of fishing rights in respect of an inland water shall be made on the grounds that, in his capacity as owner of those rights, he has sustained loss or damage which is directly attributable to the abstraction of water in pursuance of the licence in question, and either—

- (a) he is not entitled to a protected right under this Act in respect of that inland water, or
- (b) the loss or damage which he has sustained in his capacity as owner of those rights is not attributable to any such breach of statutory duty as is mentioned in subsection (1) or subsection (2) of section 50 of this Act or is in addition to any loss or damage attributable to any such breach.

(3) Where an application is made under this section, the applicant shall serve notice in the prescribed form on the river authority and on the holder of the licence, stating that each of them is entitled, at any time before the end of the period of twenty-eight days beginning with the date of service of the notice, to make representations in writing to the Minister with respect to the application; and the Minister, in determining the application, shall take into account any representations in writing received by him from the river authority or from the holder of the licence within that period.

(4) On an application under this section, the Minister shall not determine that the licence in question shall be revoked or varied unless—

- (a) the grounds of the application, as mentioned in subsection (2) of this section, are established to his satisfaction, and
- (b) the Minister is satisfied that the extent of the loss or damage which the applicant has sustained, as mentioned in that subsection, is such as to justify the revocation or variation of the licence,

or if he is satisfied that the fact that the abstraction of water in pursuance of the licence caused that loss or damage was wholly or mainly attributable to exceptional shortage of rain, or to an accident or other unforeseen act or event not caused by, and outside the control of, the river authority; and, where the Minister determines that the licence shall be varied, the variation shall be limited to that which, in the opinion of the Minister, is requisite having regard to that loss or damage.

(5) Subsections (2) and (3) of section 44 of this Act shall apply in relation to any matter required to be determined by the Minister under the last preceding subsection as they apply in relation to matters required to be determined by

**PART IV**

him under that section, but with the modification that an applicant under this section (as well as the holder of the licence) shall have the like rights to request a hearing, and to be heard, as the holder of the licence has under subsection (2) of that section.

(6) Section 46 of this Act shall have effect in relation to the revocation or variation of a licence under this section as it has effect in relation to the revocation or variation of a licence under section 44 of this Act.

(7) Where a licence is revoked or varied on an application under this section, the applicant shall be entitled to compensation from the river authority in respect of the loss or damage which he has sustained as mentioned in subsection (2) of this section.

(8) Where, on an application under this section for the revocation or variation of a licence, the Minister determines that the grounds of the application (as mentioned in subsection (2) of this section) have been established to his satisfaction, but that the licence shall not be revoked or varied in pursuance of that application, he shall certify accordingly; and thereupon, unless within the period of six months from the date on which that certificate is granted either—

- (a) notice to treat for the acquisition of the fishing rights of the applicant, or of an interest in land which includes those rights, has been served by the river authority, or
- (b) an offer has been made by the river authority to the owner of those rights to acquire those rights (or, where they subsist only as rights included in an interest in land, to acquire that interest) on terms that the price payable shall be equal to (and shall, in default of agreement, be determined in like manner as) the compensation which would be payable in respect thereof if the rights or interest were acquired compulsorily by the river authority,

the owner of the fishing rights shall be entitled to compensation from the river authority.

(9) The amount of the compensation payable under the last preceding subsection in respect of any fishing rights shall be the amount by which the value of those rights (or, where they subsist only as rights included in an interest in land, the value of that interest) is depreciated by the operation of section 31(1) of this Act in relation to the licence to which the application related.

(10) Any question of disputed compensation under subsection (7) or under subsections (8) and (9) of this section shall be referred to and determined by the Lands Tribunal; and in

relation to the determination of any such compensation the provisions of sections 2 and 4 of the Land Compensation Act 1961 shall apply, subject to any necessary modifications.

(11) In this section "fishing rights", in relation to an inland water, means any right (whether it is an exclusive right or a right in common with one or more other persons) to fish in that water, where the right in question either constitutes an interest in land or is included in an interest in land or is exercisable by virtue of an exclusive licence granted for valuable consideration; any reference to an owner of fishing rights is a reference to the person for the time being entitled to those rights; and any reference to a right included in an interest in land is a reference to a right which is exercisable only by virtue of, and as a right incidental to, the ownership of that interest.

48.—(1) Where by virtue of an alternative statutory provision which is for the time being in force statutory water undertakers or other persons are authorised to obstruct or impede the flow of an inland water by means of impounding works (whether those works have already been constructed or not), the provisions of this Part of this Act and of section 103 thereof shall have effect (with the necessary modifications) as if any reference in those provisions to a licence under this Act, or to the holder of a licence under this Act, where the reference is to the revocation or variation of such a licence, included a reference to that authorisation, or to those undertakers or other persons, as the case may be.

Revocation or variation of authorisation to impound under alternative statutory provision.

(2) In this section "alternative statutory provision" has the meaning assigned to it by section 36 (3) of this Act, and "authorised" means authorised in whatsoever terms, and whether expressly or by implication, and "authorisation" shall be construed accordingly.

*Enforcement of restrictions and protected rights*

49. Any person who contravenes section 23 (1), section 23 (2) or section 36 (1) of this Act, or who (in circumstances not constituting such a contravention) does not comply with a condition or requirement imposed by the provisions (as for the time being in force) of a licence under this Act of which he is the holder, shall be guilty of an offence and shall, on conviction on indictment or on summary conviction, be liable to a fine:

Penalties.

Provided that an offence under this section shall not be punishable on summary conviction by a fine exceeding one hundred pounds.

50.—(1) A breach of the duty imposed by section 29 (2) of this Act, or by that subsection as applied by any other provision of this Part of this Act, shall not invalidate the grant or variation of a licence; and that duty shall not be enforceable

Right of action against river authority.

## PART IV

by any criminal proceedings or by prohibition or injunction, but shall be enforceable, at the suit of any person entitled to a protected right under this Act, by an action against the river authority (but not against any other person) for damages for breach of statutory duty.

(2) Where under any provision of this Part of this Act a river authority are directed by the Minister to grant or vary a licence, then (without prejudice to the duty of the river authority, as between that authority and the Minister, to comply with that direction) if the licence as granted or varied in compliance with the direction authorises derogation from protected rights—

- (a) the grant or variation of the licence shall, as between the river authority and the person entitled to those rights, have effect as a breach on the part of the river authority of a statutory duty not to authorise derogation from those rights ;
- (b) the preceding subsection shall apply in relation to that statutory duty as it applies in relation to the duty imposed by section 29 (2) of this Act ; and
- (c) the duty of the river authority to comply with the direction of the Minister shall not afford any defence in an action brought in pursuance of that subsection as applied by the last preceding paragraph :

Provided that this subsection shall not apply to a direction given in consequence of an appeal against the decision of the river authority on an application for the grant of a licence of right.

(3) In any action brought against a river authority in pursuance of subsection (1) of this section (including that subsection as applied by the last preceding subsection) it shall be a defence for them to prove that the fact that the abstraction of water (or, as the case may be, the obstruction or impeding of the flow of the inland water) authorised by the licence, as granted or varied by the river authority, derogated from the protected right under this Act of the plaintiff was wholly or mainly attributable to exceptional shortage of rain or to an accident or other unforeseen act or event not caused by, and outside the control of, the river authority.

(4) Where the plaintiff in any such action is entitled to a protected right under this Act by reason only that he is the holder of, or has applied for, a licence of right, it shall be a defence for the river authority to prove—

- (a) that the plaintiff could have carried out permissible alterations in the means whereby he abstracted water from the source of supply in question, and



(b) that, if he had carried out such alterations, the abstraction (or, as the case may be, the obstruction or impeding of the flow of the inland water) authorised by the licence to which the action relates would not have derogated from his protected right under this Act.

(5) In the last preceding subsection "permissible alterations"—

(a) in relation to a person who is the holder of a licence of right, means any alteration of works, or modification of machinery or apparatus, which would fulfil the requirements of the licence as to the means whereby water is authorised to be abstracted ;

(b) in relation to a person who is not the holder of a licence of right, but has applied for one as being entitled to it by virtue of section 33 (1) (a) of this Act, means any alteration of works, or modification of machinery or apparatus, which he is empowered to make by virtue of a statutory provision in force on the second appointed day ; and

(c) in relation to a person who is not the holder of a licence of right, but has applied for one as being entitled to it by virtue of section 33 (1) (b) of this Act, means any alteration of the works, or modification of the machinery or apparatus, by means of which he abstracted water from the source of supply in question during the period of five years ending with the second appointed day, being an alteration or modification which would be within the scope of the licence if granted in accordance with the application.

(6) In this section any reference to authorising derogation from protected rights shall be construed in accordance with section 41(9) of this Act.

51.—(1) Where under the last preceding section a river authority are liable to pay damages to any person in consequence of the grant or variation of a licence in compliance with a direction given by the Minister, whether an action for recovery of those damages has been brought or not, and the river authority pay to that person any sum in satisfaction of that liability, the Minister may, if he thinks fit, pay to the river authority the whole or such part as he considers appropriate of—

Minister may indemnify river authority in certain cases.

(a) the amount of that sum, and

(b) if an action has been brought against the river authority in respect of that liability, the amount of any costs reasonably incurred by the river authority in connection with the action, including any costs of the plaintiff which they were required to pay.

## PART IV

(2) If, in a case falling within the preceding subsection, the river authority formulate proposals for revoking or varying the licence in question, and in consequence of those proposals the licence is revoked or varied and compensation in respect of the revocation or variation is payable by the river authority under section 46 of this Act, the Minister may, if he thinks fit, pay to the river authority the whole or such part as he considers appropriate of—

- (a) the amount of that compensation, and
- (b) if any question relating to that compensation is referred to the Lands Tribunal, the amount of any costs reasonably incurred by the river authority in connection with that reference, including any costs of the claimant which they are required to pay.

(3) Where under section 47 of this Act—

- (a) the Minister determines that a licence shall be revoked or varied, and in consequence of that determination compensation is payable by a river authority in respect of the revocation or variation of the licence, or
- (b) the Minister determines that a licence shall be revoked or varied, and in consequence of that determination compensation is payable by the river authority under subsection (7) of that section in a case where the licence was granted in compliance with a direction given by the Minister, or
- (c) the Minister determines that a licence shall not be revoked or varied, and in consequence of that determination compensation is payable by a river authority under subsection (8) of that section,

the last preceding subsection shall have effect in relation to that compensation as it has effect in relation to compensation payable in the circumstances mentioned in the last preceding subsection.

*Supplementary provisions*

Abstraction and impounding of water by river authorities.

52.—(1) In relation to the abstraction of water by river authorities from sources of supply in their areas, and in relation to the construction or alteration by river authorities of impounding works in their areas, the provisions of this Part of this Act shall have effect subject to such exceptions and modifications as may be prescribed by regulations made under this Act.

(2) Any such regulations may in particular provide for securing—

- (a) that any licence required by a river authority in relation to the matters mentioned in the preceding subsection shall be granted (or be deemed to be granted) by the Minister and not granted by the river authority ;

- (b) that, in such cases and subject to such conditions as may be prescribed by the regulations, any licence so required by a river authority shall be deemed to be granted by the Minister unless the Minister requires an application for the licence to be made to him by the river authority; and
- (c) that where a licence is deemed to be granted as mentioned in the last preceding paragraph, the river authority shall give such notice of that fact as may be prescribed by the regulations.

**53.—(1)** Every river authority shall keep, in such manner as may be prescribed by regulations made under this Act, a register containing such information as may be so prescribed with respect to applications made to that authority for the grant, revocation or variation of licences, including information as to the way in which such applications have been dealt with, and also containing such information as may be so prescribed with respect to persons becoming the holders of licences by virtue of section 32 of this Act or regulations made under that section.

(2) Every such register kept by a river authority shall also contain such information as may be prescribed with respect to applications made by the river authority in accordance with regulations made under the last preceding section, and with respect to licences granted or deemed to be granted, and licences revoked or varied, in accordance with regulations made under that section.

(3) Every register kept under this section shall be available for inspection by the public at all reasonable hours.

**54.—(1)** Any application for a licence under this Act shall be made in such manner as may be prescribed by regulations under this Act, and shall include such particulars, and be verified by such evidence, as may be so prescribed.

(2) Provision may be made by regulations under this Act as to the manner in which applications for the grant, revocation or variation of licences under this Act, and appeals against decisions on such applications, are to be dealt with, including provision requiring the giving of notices of, and information relating to, the making of, or decisions on, such applications or appeals.

(3) Without prejudice to the generality of the last preceding subsection, provision shall be made by regulations under this Act for securing that in such circumstances as may be prescribed, being circumstances in which it appears to the Minister that

## PART IV

applications for licences under this Act, other than licences of right, would be of special concern to National Park planning authorities,—

- (a) notice of any such application will be given to such one or more National Park planning authorities as may be determined in accordance with the regulations ;
- (b) the matters to which the river authority or the Minister, as the case may be, is to have regard in dealing with the application will include any representations made by any such National Park planning authority within such period and in such manner as may be prescribed ; and
- (c) on any appeal against the decision on the application, notice of the appeal will be served on any National Park planning authority who made representations falling within the last preceding paragraph, and, in determining the appeal, the Minister will take account of any further representations made by such an authority within such period and in such manner as may be prescribed.

In this subsection “ National Park planning authority ” means a local planning authority whose area consists of or includes the whole or part of a National Park.

(4) Provision may also be made by regulations under this Act as to the form of licences under this Act or of any class of such licences.

(5) Subsections (1) to (4) of this section shall have effect subject to any express provision contained in, or having effect by virtue of, any other enactment contained in this Part of this Act ; and any regulations made under this section shall have effect subject to any such express provision.

**Curtailed  
of certain  
protected  
rights.**

**55.—**(1) The provisions of this section shall have effect where a person (in this section referred to as “ the occupier ”) is entitled to a protected right under this Act by virtue of section 26 (1) (b) thereof by reason of his being the occupier of such a holding as is mentioned in section 24 (2) of this Act (in this section referred to as “ the holding ”).

(2) If it appears to the river authority that the occupier is entitled, as against other occupiers of land contiguous to the inland water in question, to abstract water therefrom for use on part of the holding, but is not so entitled to abstract water for use on other parts of the holding,—

- (a) the river authority may serve on him a notice in writing specifying the first-mentioned part of the holding, and
- (b) subject to the following provisions of this section, the notice shall have effect as a determination under this

## PART IV

section, and the part specified in the notice shall be the relevant part of the holding for the purposes of the proviso to section 24 (2) of this Act.

(3) Where a notice is served under the last preceding subsection, and the occupier objects to the notice on the grounds—

- (a) that he is entitled, as against other occupiers of land contiguous to the inland water in question, to abstract water therefrom for use on every part of the holding, or
- (b) that he is so entitled to abstract water for use on a larger part of the holding than that specified in the notice,

he may, within such time (not being less than twenty-eight days from the date of service of the notice) and in such manner as may be prescribed, appeal to the court against the notice.

(4) On any such appeal the court shall determine the matter in dispute, and either confirm, quash or vary the river authority's notice in accordance with its decision.

(5) Where the court quashes a notice served under subsection (2) of this section, paragraph (b) of that subsection shall not have effect; and where the court varies such a notice, that paragraph shall have effect, but with the substitution, for the reference to the part of the holding specified in the notice, of a reference to the part specified in the notice as varied by the court.

(6) In this section "the court" means the county court for the district in which the holding, or the part of the holding which is contiguous to the inland water in question, is situated, and "entitled" (except in subsection (1) of this section) means entitled apart from this Act or any other statutory provision.

56.—(1) Where an application for a licence under this Act is made before the end of the initial period, then, until the application has been disposed of, the following provisions of this Part of this Act, that is to say—

Transitional provisions for purposes of Part IV.

- (a) if the application is for a licence to abstract water, other than a licence of right, sections 23, 31 and 49 of this Act;
- (b) if the application is for a licence of right, those sections and section 26 of this Act; and
- (c) if the application is for a licence to obstruct or impede the flow of an inland water by means of impounding works, section 36, subsections (1) and (2) of section 37 and section 49 of this Act,

shall have effect as if the licence had been granted on the date of the application and the provisions of the licence had been in accordance with the proposals contained in the application; and for the purposes of those provisions of this Part of this

**PART IV** Act any licence granted on the application shall be treated as not having effect until the application has been disposed of.

(2) Where, in pursuance of an application made (whether before or after the passing of this Act) before the end of the initial period, a statutory provision—

(a) comes into operation after the second appointed day, and

(b) apart from this Act, would authorise a person to do anything which is restricted by section 23 of this Act,

the river authority, on the application of that person, shall grant to him a licence under this Act to abstract water, containing such provisions as appear to the river authority to correspond as nearly as may be to those of that statutory provision.

(3) Sections 27 to 29 and section 54 (3) of this Act shall not have effect with respect to applications made to a river authority under the last preceding subsection, but—

(a) section 34 (3) to (5) and section 41 of this Act shall have effect in relation to any such application, or to an appeal against the decision on such an application, as if it were an application for a licence of right, and

(b) section 50 (2) of this Act shall not apply to any direction given in consequence of such an appeal.

(4) Section 47 of this Act shall not apply to a licence granted in pursuance of an application under subsection (2) of this section.

(5) Subsection (1) of section 31 of this Act shall not afford any defence to an action brought before the end of the relevant transitional period if the licence referred to in that subsection is a licence of right granted to a person as being entitled to it by virtue only of section 33 (1) (b) of this Act; and that subsection as applied by subsection (1) of this section shall not afford any defence to such an action if the application in question was made by a person as being entitled to a licence of right by virtue only of the said section 33 (1) (b).

In this subsection “the relevant transitional period”, in relation to a licence granted by a river authority, means the period beginning with the second appointed day and ending with the coming into operation of a charging scheme prepared by that river authority under Part V of this Act.

(6) No compensation shall be payable under section 46 of this Act in respect of the revocation or variation of a licence of right, if the revocation or variation is for giving effect to the decision of the court in an action in respect of which the last preceding subsection has effect or in any proceedings in consequence of such an action.

## PART IV

(7) For the purposes of this section an application shall be taken to be disposed of on (but not before) the occurrence of whichever of the following events last occurs, that is to say—

- (a) on the determination of the application by the river authority, a licence is granted and the provisions of that licence are in accordance with the proposals contained in the application ;
- (b) on a reference of the application to the Minister under section 38 of this Act, the Minister refuses to grant a licence ;
- (c) the period (if any) within which the applicant is entitled to give notice of appeal against the decision on the application expires without such a notice having been given ;
- (d) an appeal against that decision is determined or withdrawn ;
- (e) in compliance with a direction given by the Minister in consequence of such an appeal or (in the case of an application referred to the Minister under section 38 of this Act) in consequence of a decision of the Minister on the application, the river authority grant, vary or revoke a licence under this Act ;

and in this subsection any reference to a decision includes a reference to a decision which is to be treated as having been made by virtue of section 40 of this Act.

## PART V

## CHARGES FOR LICENCES TO ABSTRACT OR IMPOUND WATER

57.—(1) On the granting of a licence under this Act to abstract water, and annually thereafter so long as such a licence continues in force, there shall be payable to the river authority by the holder of the licence a fee of which the amount (subject to subsection (4) of this section) shall be five pounds or such other sum as is for the time being prescribed for the purposes of this subsection by order of the Minister. Licence fees.

(2) The preceding subsection shall apply to a combined licence granted in accordance with section 37 (3) of this Act as it applies to licences which relate only to abstracting water.

(3) On the granting of a licence under section 36 of this Act, there shall be payable to the river authority by the holder of the licence a fee of five pounds or such other sum as is for the time being prescribed for the purposes of this subsection by order of the Minister :

Provided that this subsection shall not apply to such a combined licence as is mentioned in the last preceding subsection.

(4) In respect of any licence under this Act which relates only to the abstraction of water from underground strata for

**PART V** agricultural purposes other than spray irrigation, the amount of any fee payable under subsection (1) of this section shall be one-fifth of the amount which would be payable apart from this subsection.

**Charging schemes.**

**58.**—(1) As soon as practicable after the second appointed day, each river authority shall prepare and submit to the Minister a scheme (in this Act referred to as a “charging scheme”) providing for the levying of charges (in addition to fees charged under the last preceding section) in respect of licences to abstract water granted under this Act.

(2) A charging scheme shall provide that the charges to be levied under the scheme in the case of any licence shall be calculated by reference to the quantity of water authorised to be abstracted from time to time in pursuance of the licence.

(3) Subject to the last preceding subsection, a charging scheme may provide for the levying of charges thereunder at different rates in respect of water authorised to be abstracted in different relevant circumstances; but (without prejudice to the effect of any agreement made under the following provisions of this Part of this Act relating to exemption from and reduction of charges) the charges levied under a charging scheme in any financial year of the river authority shall be levied on all persons at the same rates in respect of the same quantity of water authorised to be abstracted in the same relevant circumstances.

(4) For the purposes of the last preceding subsection the following shall be taken to be relevant circumstances, that is to say—

- (a) the characteristics (whether general or special) of the source of supply from which the water is authorised to be abstracted;
- (b) the season of the year at which the water is authorised to be abstracted;
- (c) the purposes for which, in accordance with the provisions of the licence, the water is authorised to be used; and
- (d) the way in which the water is to be disposed of after being used for the purposes specified in the licence.

(5) Subject to the preceding provisions of this section—

- (a) the rates of charges specified in a charging scheme shall be maximum rates, and shall be calculated with a view to their remaining in force without variation (save in exceptional circumstances) over a period of five years from the time when the scheme was prepared, and
- (b) the charges levied under the scheme in any financial year of the river authority shall be levied at such rates (not exceeding the maximum rates specified in the scheme)



as appear to the river authority to be requisite for balancing their water resources account.

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(6) In the last preceding subsection the reference to balancing the water resources account of a river authority is a reference to securing that, taking one year with another, the receipts of the river authority which, in accordance with the provisions of Part VIII of this Act, are credited to their water resources account are, as nearly as may be, equal to (but not greater than) the expenses and other amounts which, in accordance with those provisions, are debited to that account.

59.—(1) The provisions of Part I of Schedule 7 to this Act shall have effect in relation to a charging scheme, as if any reference to a draft statement were a reference to a charging scheme as prepared by the river authority: Supplementary provisions as to charging schemes.

Provided that paragraph 4 of that Schedule shall have effect in relation to a charging scheme with the omission of subparagraphs (c) to (h).

(2) A charging scheme approved by the Minister (with or without modifications) shall come into operation on such date as may be specified in the scheme as so approved.

(3) The date so specified shall be not later than the 1st April 1969:

Provided that the Minister may in any particular case fix a later date for the coming into operation of a charging scheme if, after consultation with the river authority and with each of the constituent councils of the river authority, he considers that by reason of special circumstances it is necessary or expedient to do so.

60.—(1) A river authority, either before or after the coming into operation of a charging scheme prepared by the authority, may, on the application of any person, make an agreement with him either exempting him from the payment of charges under the scheme or providing for charges to be levied on him under the scheme at reduced rates specified in the agreement. Exemptions from, and reduction of, charges.

(2) In the exercise of their powers under the preceding subsection in relation to any person, a river authority shall have regard to—

(a) the extent to which any works constructed (whether before or after the passing of this Act) by that person or any works to be constructed by him have made, or will make, a beneficial contribution towards the fulfilment of the purposes of the river authority's new functions;

## PART V

(b) any financial assistance which that person has rendered, or has agreed to render, towards the carrying out of works by the river authority in the performance of those functions ;

(c) any other material considerations.

(3) The Minister may give directions as to the exercise by river authorities of their powers under subsection (1) of this section.

(4) Without prejudice to the exercise of the power conferred by the last preceding subsection, if on any application under this section the river authority refuse to make an agreement with the applicant as mentioned in subsection (1) of this section, or the applicant objects to the terms of such an agreement as proposed by the river authority and that objection is not withdrawn, the applicant or the river authority may refer the question in dispute to the Minister ; and on any such reference the Minister shall determine that question, having regard to the matters to which, in accordance with subsection (2) of this section, the river authority were required to have regard in relation to the applicant.

(5) Any decision of the Minister on a reference under the last preceding subsection shall be final ; and the Minister may give directions to the river authority requiring them to make an agreement with the applicant in accordance with his decision.

(6) Every charging scheme shall make provision for securing that no charges will be levied under the scheme in respect of water authorised by a licence to be abstracted from underground strata, in so far as the water is authorised to be abstracted for use for agricultural purposes other than spray irrigation.

**Revision of charging schemes.**

**61.**—(1) Where a charging scheme prepared by a river authority is for the time being in force—

(a) the river authority, or

(b) any statutory water undertakers who are the holders of a licence under this Act to abstract water from a source of supply in the area of the river authority, or

(c) any persons who are in the aggregate the holders of not less than ten licences for the time being in force under this Act to abstract water from sources of supply in that area,

may apply to the Minister for a revision of that scheme.

(2) Any application under this section shall include the submission of a new charging scheme prepared by the applicants, either by way of variation of, or in substitution for, the charging scheme as in force at the time of the application.

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(3) The Minister shall not entertain an application under this section which is made before the end of the period of five years beginning with the date on which, in the case of the river authority in question, the charging scheme originally prepared by them or (as the case may be) the revision last applied for under this section was approved by the Minister (with or without modifications), unless it appears to the Minister that there are exceptional circumstances which render an earlier revision necessary or expedient.

(4) Subsections (2) to (6) of section 58, subsection (6) of section 60, and, where the applicants are the river authority, subsection (1) of section 59 of this Act shall have effect in relation to a charging scheme prepared under this section as they have effect in relation to a charging scheme prepared under section 58 of this Act.

(5) In relation to a charging scheme prepared under this section by applicants other than the river authority, the provisions of Part I of Schedule 7 to this Act shall have effect subject to the following modifications, that is to say:—

- (a) any reference to a draft statement shall be construed as a reference to a charging scheme as prepared by the applicants;
- (b) except in paragraph 9 of that Schedule, any reference to the river authority, unless the reference is to the river authority area, shall be construed as a reference to the applicants;
- (c) in paragraph 9 of that Schedule, the first reference to the river authority shall be construed as a reference to the applicants and the second such reference shall be construed as a reference to the river authority and the applicants;
- (d) the river authority shall be included among the bodies on whom, under paragraph 4 of that Schedule, a copy of the notice is required to be served, and subparagraphs (c) to (h) of that paragraph shall be omitted.

(6) A charging scheme prepared under this section which is approved by the Minister (with or without modifications) shall come into operation on such date as may be specified in the scheme as so approved.

(7) Where a charging scheme prepared by a river authority has been revised under this section, any reference in the last preceding section to a charging scheme prepared by the river authority shall be construed as a reference to the charging scheme relating to licences granted by that authority, in the form in which such a scheme is for the time being in force.

**PART V**  
Charges  
pending  
commencement  
of charging  
schemes.

**62.**—(1) In respect of water authorised to be abstracted in pursuance of a licence under this Act granted by a river authority, other than a licence of right, during the period beginning with the date on which the licence comes into force and ending with the date of the coming into operation of a charging scheme prepared by the river authority, charges shall be payable at such rates as may be agreed between the river authority and the holder of the licence, or, in default of such agreement, at such rates as, on a reference of the matter to the Minister, may be determined by him to be appropriate in accordance with the next following subsection.

(2) In agreeing or determining the rates of charges under this section, a river authority or the Minister, as the case may be, shall have regard to the principles which in accordance with sections 58 and 60 of this Act, would apply to rates under a charging scheme and to exemptions from, or reductions of, rates under such a scheme.

Special charges  
in respect of  
spray  
irrigation

**63.**—(1) Where a person (in this section referred to as “the applicant”) is for the time being the holder of a licence under this Act to abstract water, and in accordance with the provisions of the licence (in this section referred to as “the relevant licence”)—

- (a) the water is to be used on land of which the applicant is the occupier, and
- (b) the purposes for which water abstracted in pursuance of the licence is to be used consist of or include spray irrigation,

the applicant, either before or after the coming into operation of a charging scheme prepared by the river authority, may apply to the river authority to make an agreement with him under this section, and, subject to the following provisions of this section, the river authority may make such an agreement accordingly.

(2) During any period for which an agreement under this section is in force, charges shall be payable by the applicant to the river authority in respect of the relevant licence, in so far as it relates to water authorised to be abstracted and used on the relevant land, as follows, that is to say—

- (a) basic charges calculated in accordance with the agreement by reference to the quantity of water authorised to be so abstracted and used from time to time in pursuance of the licence, and
- (b) supplementary charges calculated in accordance with the agreement by reference to the quantity of water which is measured or assessed as being abstracted

from time to time by or on behalf of the applicant from the source of supply to which the relevant licence relates for use on the relevant land.

(3) In determining whether to make an agreement with the applicant under this section, and in determining the charges to be leviable under such an agreement, the river authority shall have regard to the extent to which, in any year within the period proposed to be specified in the agreement as the period for which it is made, the quantity of water referred to in paragraph (a) of the last preceding subsection is likely to exceed the quantity referred to in paragraph (b) of that subsection.

(4) The period specified in an agreement under this section as the period for which it is made shall not be less than five years.

(5) An agreement under this section shall remain in force until the occurrence of whichever of the following events first occurs, that is to say—

- (a) the period specified in the agreement, as mentioned in the last preceding subsection, comes to an end ;
- (b) the relevant licence expires or is revoked ;
- (c) the applicant ceases to be the occupier of the relevant land, or, if he has previously ceased to be the occupier of a part or parts of that land, ceases to be the occupier of the remainder of it ;
- (d) the agreement is terminated under the next following subsection.

(6) At any time while an agreement under this section is in force, the applicant may apply to the river authority to terminate the agreement ; and if on any such application the river authority are satisfied that, by reason of any change of circumstances since the agreement was made, it ought to be terminated, the river authority may terminate the agreement, either unconditionally or subject to such conditions (whether as to any payment to be made by the applicant or otherwise) as the river authority and the applicant may agree.

(7) The provisions of subsections (3) to (5) of section 60 of this Act shall have effect in relation to applications and to the exercise of powers under this section as they have effect in relation to applications and to the exercise of powers under that section, as if in those provisions any reference to the making of an agreement or to the terms of an agreement included a reference to the termination of an agreement or to the conditions subject to which an agreement is to be terminated, as the case may be.

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(8) Where the relevant licence authorises water abstracted in pursuance of the licence to be used on the relevant land for purposes which include spray irrigation and other purposes,—

- (a) any agreement made under this section shall provide for apportioning, as between those purposes respectively, the quantity referred to in paragraph (a) and the quantity referred to in paragraph (b) of subsection (2) of this section ;
- (b) subsection (2) of this section shall have effect as if in each of those paragraphs the reference to the quantity of water therein mentioned were a reference to so much of that quantity as in accordance with the agreement is apportioned to the purpose of spray irrigation ;
- (c) in subsection (3) of this section any reference to either of those paragraphs shall be construed as a reference to that paragraph as modified by paragraph (b) of this subsection ; and
- (d) subject to the provisions of this Part of this Act other than this section, charges shall be leviable in accordance with any charging scheme for the time being in force in respect of so much of the quantity referred to in paragraph (a) of subsection (2) of this section as in accordance with the agreement is apportioned to purposes other than spray irrigation.

(9) Subject to the last preceding subsection, where an agreement under this section is in force, then in so far as the relevant licence relates to water authorised to be abstracted and used on the relevant land, the provisions of this section shall have effect notwithstanding anything contained in any other provision of this Part of this Act or in any charging scheme ; but—

- (a) nothing in this section or in any agreement made thereunder shall affect the operation of any other provision of this Part of this Act or of any charging scheme in relation to a licence in so far as it authorises water abstracted in pursuance of the licence to be used on any land other than the relevant land, and
- (b) nothing in this section or in any such agreement shall affect the operation of section 57 of this Act.

(10) An application under subsection (1) of this section may be made by a person who has applied for, but is not yet the holder of, a licence under this Act to abstract water ; and, in relation to an application so made or to an agreement made on such an application,—

- (a) the reference in that subsection to the provisions of the relevant licence shall be construed as a reference to the proposals contained in the application for a licence, and

(b) any other reference in this section to the relevant licence shall be construed as a reference to any licence granted to the applicant in pursuance of the last-mentioned application or in pursuance of an appeal consequential upon the last-mentioned application.

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(11) In this section "the relevant land" means the land on which the relevant licence, as for the time being in force, authorises water abstracted in pursuance of the licence to be used for purposes which consist of or include spray irrigation, and "year" means a period of twelve months beginning with the date on which an agreement under this section comes or is proposed to come into force or beginning with an anniversary of that date.

**64.**—(1) Any fees or other charges payable to a river authority by virtue of this Part of this Act shall be recoverable by the authority as a simple contract debt in any court of competent jurisdiction. Enforcement of charges.

(2) Without prejudice to the recovery of any such charges in accordance with the preceding subsection, if the charges payable in respect of a licence under this Act are not paid within fourteen days after a notice in writing demanding them has been served on the holder of the licence, the river authority may by notice in writing suspend the operation of the licence until the charges have been paid.

## PART VI

### POWERS OF RIVER AUTHORITIES IN RELATION TO LAND AND WORKS

**65.**—(1) A river authority shall have power to acquire by agreement any land which they require for any purpose in connection with the performance of any of their functions: Powers to acquire land.

Provided that a river authority shall not, except with the consent of the appropriate Minister or Ministers, acquire any land under this subsection for any purpose if the land is outside their area and is not immediately required by the river authority for that purpose.

(2) A river authority shall have power to acquire compulsorily any land which they require for any purpose in connection with the performance of any of their functions, on being authorised by the appropriate Minister or Ministers to do so.

(3) The Acquisition of Land (Authorisation Procedure) Act 1946 shall apply to the compulsory acquisition of land under this section, and accordingly shall have effect as if this section had been in force immediately before the commencement of that Act.

## PART VI

(4) In subsections (1) to (3) of this section references to land shall be construed as including references to any interest in or right over land (except in so far as the proviso to subsection (1) refers to land as being outside the area of a river authority); and, in relation to the acquisition of interests in or rights over land, references to land in the said Act of 1946 as applied by the last preceding subsection shall be construed as references to any such interest or right, or as references to the land in or over which an interest or right is to be acquired, as the context may require.

Acquisition of new interests or rights over land.

66.—(1) A river authority may exercise the powers conferred by the last preceding section so as to acquire interests in or rights over land by way of the creation of new interests or rights, as well as interests or rights already in existence before the acquisition thereof by a river authority, and an interest or right may be so acquired either in perpetuity or for a term of years certain or so as to be terminable by notice.

(2) Where those powers are exercised so as to acquire compulsorily an interest in or right over any land (in this section referred to as “the servient land”) by way of the creation of a new interest or right (in this section referred to as “the new right”), the provisions of subsections (3) to (5) of this section shall have effect with respect to compensation in respect of the acquisition of the new right.

(3) If the value of any interest in land to which this subsection applies is depreciated by the acquisition of the new right, the person entitled to that interest shall be entitled to compensation from the river authority of an amount equal to the amount of the depreciation.

This subsection applies to any interest in any of the servient land, and to any interest in any land which, on the relevant date, is held with any of the servient land.

(4) Where the person entitled to an interest in land to which the last preceding subsection applies sustains loss or damage which—

- (a) is attributable to the acquisition of the new right, and
- (b) does not consist of depreciation of the value of that interest, and
- (c) is loss or damage for which, if his interest in the servient land had been compulsorily acquired under the last preceding section in pursuance of a notice to treat served on the relevant date, he would have been entitled to compensation by way of compensation for disturbance,

he shall be entitled to compensation from the river authority in respect of that loss or damage, in addition to compensation under the last preceding subsection.



(5) Subsections (3) and (4) of this section shall have effect without prejudice to any right to compensation under section 68 of the Lands Clauses Consolidation Act 1845 (which relates to compensation for injurious affection): but, subject to the preceding provisions of this subsection and to any regulations made under this section, no person shall be entitled to compensation, in respect of the compulsory acquisition of the new right, otherwise than in accordance with subsections (3) and (4) of this section.

(6) In relation to the acquisition under this Act of interests or rights by way of the creation of new interests or rights, provision may be made by regulations made by the Ministers under this section—

- (a) as to the exceptions and modifications subject to which any enactments are to apply for the purposes of any such acquisition ;
- (b) as to the way in which any such acquisition, if compulsory, may be completed, whether by deed poll or otherwise, and (whether compulsory or not) may be made binding upon persons (other than the river authority) who are entitled to interests in the servient land and on the successors in title of such persons ;
- (c) as to the application, subject to any exceptions and modifications specified in the regulations, of any provisions of the Land Charges Act 1925 or the Land Registration Act 1925 in relation to any such acquisition ;
- (d) as to the assessment of compensation, in such cases as may be prescribed by the regulations, by way of an annual sum payable during such period as may be so prescribed, instead of being payable as a capital sum ;
- (e) as to any exceptions and modifications subject to which the provisions of subsections (3) to (5) of this section are to have effect where an interest in any of the servient land is subject to a mortgage, or is subject to a rentcharge, chief rent or other rent, payment or incumbrance ;
- (f) as to any other matters for which, in the opinion of the Ministers, it is necessary or expedient to provide in connection with, or in consequence of, such acquisitions.

(7) In this section “the relevant date” means the date of service of the notice to treat in pursuance of which the new right is acquired.

**PART VI**  
**Compulsory powers for carrying out engineering or building operations.**

**67.—(1)** Where in the performance of their new functions a river authority propose to carry out any engineering or building operations, and it appears to them that for the purpose of carrying out those operations they need compulsory powers, whether consisting of or including powers of compulsory acquisition or not, the authority may apply to the Minister for an order under this section.

(2) The provisions of Schedule 8 to this Act shall have effect with respect to applications and orders under this section:

Provided that, where the powers applied for by an application under this section do not consist of or include any powers of compulsory acquisition, Part II of that Schedule shall not have effect with respect to that application or to any order made thereon, and an order made on that application shall not confer any powers of compulsory acquisition.

(3) Subject to the provisions of that Schedule and of the last preceding subsection, where application is made to the Minister for an order under this section, the Minister may make an order conferring on the river authority such compulsory powers, for the purpose of carrying out the engineering or building operations in question, as the Minister may consider necessary or expedient for that purpose; and (subject to that Schedule and the last preceding subsection) an order under this section may contain such incidental and supplementary provisions, including provisions for amending, adapting or repealing local enactments, as the Minister considers necessary or expedient.

(4) In relation to any order under this section, except in so far as it confers any powers of compulsory acquisition, section 61 of the Land Drainage Act 1930 (which contains provisions for the protection of certain public utility and other undertakings) shall have effect as it has effect in relation to any order under that Act.

(5) Nothing in this section or in any order made thereunder shall exempt a river authority from any restriction imposed by Part IV of this Act.

(6) The preceding provisions of this section shall have effect without prejudice to any compulsory powers (including powers of compulsory acquisition) which a river authority can exercise, or can be authorised to exercise, apart from this section.

(7) In this section and in Schedule 8 to this Act “powers of compulsory acquisition” means any power to acquire compulsorily any land, or an interest in or right over land, including any power to acquire compulsorily such an interest or right by way of the creation of a new interest or right.

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**68.**—(1) In section 65 of this Act references to land which a river authority require for any such purpose as is therein mentioned shall (without prejudice to the generality of that section) be taken to include land which the river authority require for the purpose of protecting against pollution water in—

Special provisions for protection of water against pollution.

- (a) any reservoir owned or operated by the river authority, or proposed to be acquired or constructed by the river authority for the purpose of its being operated by them, or
- (b) any underground strata in their area from which the river authority are for the time being authorised to abstract water in pursuance of a licence granted or deemed to be granted under this Act,

and section 65 (3) of this Act shall have effect accordingly.

(2) Subsection (2) (except the proviso to that subsection) and subsections (3) and (4) of section 22 of the Water Act 1945 (which subsections relate to works for protecting water against pollution) shall have effect in relation to river authorities as if—

- (a) references in those subsections to statutory water undertakers were references to river authorities ;
- (b) in subsection (2) the reference to water which belongs to the undertakers or which they are for the time being authorised to take were a reference to such water as is mentioned in subsection (1) of this section ; and
- (c) in subsection (3) the reference to the limits of supply of the undertakers were a reference to the area of the river authority.

(3) In this section “land” includes any interest in or right over land ; and section 65 (4) of this Act shall apply for the purposes of the Acquisition of Land (Authorisation Procedure) Act 1946 as that Act has effect in accordance with subsection (1) of this section.

**69.**—(1) Without prejudice to any other powers conferred on them by or under this or any other Act, a river authority shall (subject to the provisions of section 71 of this Act) have power to carry out such engineering or building operations as they consider necessary or expedient for the purposes of any of their functions.

General powers in relation to land and works.

(2) The powers conferred on a river authority by the preceding subsection shall (without prejudice to the generality of that subsection) include power to provide housing accommodation for persons employed by the authority ; and the provision of such accommodation is accordingly included among the purposes for which a river authority may exercise their powers under sections 65 and 66 of this Act.

**PART VI**

(3) For the purposes of anything done or to be done by river authorities in the performance of their new functions, sections 9, 12 to 17, 19, 20, 22, 28, 67 and 68 of Schedule 3 to the Water Act 1945 (which relate to the execution of works by statutory water undertakers) shall have effect in relation to river authorities subject to the modifications specified in Schedule 9 to this Act.

(4) Section 61 of the Land Drainage Act 1930 shall have effect, in relation to any provisions of the Water Act 1945 as applied by the last preceding subsection, as it has effect in relation to any enactment contained in the said Act of 1930.

**Powers to dispose land.**

**70.**—(1) Subject to the provisions of this section, a river authority may sell, exchange or let any land vested in them which is not required for the purposes of any of their functions.

(2) A river authority shall not, except with the consent of the appropriate Minister or Ministers, sell, exchange or let any land which was compulsorily acquired by the river authority or was acquired by the river authority by agreement at a time when they were authorised by or under this Act to acquire it compulsorily.

(3) A river authority shall not, except with the consent of the appropriate Minister or Ministers, sell, exchange or let any land for a price, consideration or rent less than the best price, best consideration or best rent (as the case may be) that can reasonably be obtained, having regard to any restrictions or conditions (including conditions as to payment or the giving of security for payment) subject to which the land is sold, exchanged or let.

(4) On any application by a river authority of capital money received by them in respect of land sold, exchanged or let by the authority, such adjustment shall be made in the accounts of the authority as may be requisite in the circumstances.

(5) Where a river authority are entitled to an interest in or right over land, other than the fee simple or a tenancy thereof, the river authority shall have power, with the consent of the appropriate Minister or Ministers, to dispose of that interest or right for any purpose by way of sale, exchange or lease (in so far as any such mode of disposition is applicable to the interest or right in question) or by way of releasing it, or suspending the operation or exercise thereof, wholly or in part, as the river authority may think fit.

**Supplementary provisions as to powers in relation to land and works.**

**71.**—(1) The provisions of this Act imposing duties or conferring powers on river authorities, other than—

(a) sections 65 to 68 and 69 (3) of this Act, and

(b) the provisions of Part X of this Act as to rights of entry and inspection,

shall not be construed as authorising, on the part of a river authority, any act or omission which, apart from the provisions imposing those duties or conferring those powers, would be actionable at the suit of any person on any grounds other than a limitation imposed by law on the capacity of the river authority by virtue of its constitution.

(2) Where a river authority propose to construct or alter any inland water in an internal drainage district, or to construct or alter any works situated on or in such an inland water, otherwise than in the exercise of any compulsory powers exercisable by the authority, the authority shall consult the internal drainage board for that district:

Provided that this subsection does not apply to an inland water which forms part of the main river for the purposes of the Land Drainage Act 1930.

(3) Where, on an application under section 47 of this Act, the Minister—

(a) determines that the licence to which the application relates shall not be revoked or varied, and

(b) grants a certificate under subsection (8) of that section, and notice to treat for the acquisition of the fishing rights to which the application related, or of an interest in land in which those rights are included, has been served by the river authority within the period of six months from the date on which that certificate is granted, then, for the purpose of assessing compensation in respect of any compulsory acquisition in pursuance of that notice to treat, no account shall be taken of any depreciation of the value of the fishing rights, or of the interest in question, which is applicable to the operation, in relation to that licence, of section 31 (1) of this Act.

Subsection (11) of section 47 of this Act shall apply for the purposes of this subsection as it applies for the purposes of that section.

(4) Without prejudice to the operation, in relation to any statutory provision contained in or made or issued under this Act, of section 41 of the Town and Country Planning Act 1962 (whereby planning permission may be deemed to be granted in certain cases), nothing in this Act shall be construed as authorising any development (within the meaning of that Act) to be carried out without the grant of planning permission where such permission is required by that Act.

(5) For the avoidance of doubt it is hereby declared that, in the Acquisition of Land (Authorisation Procedure) Act 1946, and in the Town and Country Planning Act 1962, "local authority" includes a river authority.

## PART VI

(6) The preceding provisions of this Part of this Act shall have effect without prejudice to the exercise by river authorities of any power conferred by the Salmon and Freshwater Fisheries Act 1923 or by section 76 of the Land Drainage Act 1930 (which relates to the acquisition of accretions of land resulting from drainage works and land required in connection therewith).

## PART VII

## ADDITIONAL FUNCTIONS OF RIVER AUTHORITIES

Control of discharges into underground strata.

72.—(1) Subject to the provisions of the next following section, it shall not be lawful after the end of the initial period, by means of any well, borehole or pipe, to discharge into any underground strata within a river authority area—

- (a) any trade effluent or sewage effluent, or
- (b) any poisonous, noxious or polluting matter not falling within the preceding paragraph,

except with the consent of the river authority, which consent shall not be unreasonably withheld, and subject to any conditions imposed by the river authority in accordance with the next following subsection.

(2) On an application for consent under this section the river authority, if they grant consent, may grant it either unconditionally or subject to such conditions as they may reasonably impose as to any one or more of the following matters, that is to say—

- (a) the nature, composition and volume of the effluent or other matter to be discharged ;
- (b) the strata into which it may be discharged ;
- (c) measures to be taken for protecting water contained in other underground strata through which any well, borehole or pipe containing the effluent or other matter will pass ;
- (d) the provision of facilities for inspection, including the provision, maintenance and use of observation wells and boreholes.

(3) Where an application is made to a river authority for consent under this section, and the authority either—

- (a) refuse consent, or
- (b) grant it subject to conditions,

the applicant, if he is aggrieved by their decision, may, by notice in writing under this subsection, appeal against it to the Minister.

(4) If, within the period of three months beginning with the date on which an application is made to a river authority for consent under this section or within such extended period as

may at any time be agreed upon in writing between the applicant and the river authority, the river authority do not give notice to the applicant of their decision on the application, the authority shall be treated for the purposes of this section as having refused consent.

(5) Any notice under subsection (3) of this section shall be served within such time and in such manner as may be prescribed by regulations under this Act:

Provided that the time so prescribed shall not be less than twenty-eight days from the date on which the applicant is notified by the river authority of the decision to which the notice relates, or, in a case falling within the last preceding subsection, from the end of the period after which the river authority are to be treated as having refused consent on his application.

(6) On any appeal to the Minister under this section, the Minister may allow or dismiss the appeal or may reverse or vary any part of the decision of the river authority, and may deal with the application as if it had been made to him in the first instance.

(7) Subsections (5) and (6) of section 39, and section 54 (2), of this Act shall apply (with the necessary modifications) to appeals under this section as they apply to appeals under Part IV of this Act.

(8) Any person who contravenes subsection (1) of this section, or (in circumstances not constituting such a contravention) does not comply with a condition subject to which a consent granted under this section for the time being has effect, shall be guilty of an offence and shall be liable, on conviction on indictment or on summary conviction, to a fine:

Provided that an offence under this section shall not be punishable on summary conviction by a fine exceeding one hundred pounds.

(9) In this section "trade effluent" and "sewage effluent" have the same meanings as in the Rivers (Prevention of Pollution) Act 1951.

73.—(1) Subsection (1) of the last preceding section shall not apply to any discharge of an effluent or other matter which is made in the circumstances specified in the next following subsection. Transitional exemption of discharges from control.

(2) The said circumstances are—

- (a) that the person discharging the effluent or other matter has, on one occasion at least within the period of twelve months ending with the second appointed day,

## PART VII

- discharged matter of the same nature or composition into the same underground strata by the same means ;
- (b) that he has, during the initial period, applied to the river authority for consent under the last preceding section to discharge matter of that nature or composition into those underground strata by those means, and that the discharge in question occurs on a day before the application has been disposed of ; and
- (c) that the aggregate volume of matter of the nature or composition in question which is discharged by that person into those underground strata during the whole of that day does not exceed the greatest volume of matter of that nature or composition which was discharged by him into those strata on any one day within the period referred to in paragraph (a) of this subsection.

(3) Section 56 (7) of this Act shall apply for the purposes of this section as it applies for the purposes of that section, subject to the necessary modifications and, in particular, with the substitution, for the reference to section 40 of this Act, of a reference to subsection (4) of the last preceding section.

Revocation  
or variation  
of consent  
under s. 72.

74.—(1) Where a river authority have granted consent under section 72 of this Act in respect of any discharge, they may at any time by notice in writing to the person to whom the consent was granted revoke or vary the consent, either on the application of that person or without any such application.

(2) Any person aggrieved by the revocation or variation of a consent granted to him under that section, or, where he has applied to the river authority for the variation of any consent so granted, by the refusal of the authority to vary the consent in accordance with the terms of his application, may by notice under this subsection appeal to the Minister against the revocation, variation or refusal, as the case may be.

(3) If, within the period of three months beginning with the date on which an application is made to a river authority for the variation of any such consent or within such extended period as may at any time be agreed upon in writing between the applicant and the river authority, the river authority do not give notice to the applicant of their decision on the application, the authority shall be treated for the purposes of this section as having refused to vary the consent in accordance with the terms of the application.

(4) Any notice under subsection (2) of this section shall be served within such time and in such manner as may be prescribed by regulations under this Act :

Provided that the time so prescribed shall not be less than twenty-eight days from the date on which notice of the revocation, variation or refusal to which the first-mentioned notice



relates is given by the river authority to the person to whom the consent in question was granted, or, in a case falling within the last preceding subsection, from the end of the period after which the river authority are to be treated as having refused to vary the consent in question in accordance with the terms of that person's application.

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(5) On any appeal to the Minister under this section the Minister may allow or dismiss the appeal or, in the case of an appeal against a variation, may, with the consent of the person to whom the consent was granted, determine that it shall be varied in a way different from that specified in the notice under subsection (1) of this section.

(6) Subsections (5) and (6) of section 39, and section 54 (2), of this Act shall apply (with the necessary modifications) to appeals under this section as they apply to appeals under Part IV of this Act.

**75.**—(1) Every river authority shall keep, in such manner as may be prescribed, a register containing such particulars as may be prescribed of consents granted by them under section 72 of this Act which are for the time being in force; and so much of the register as relates to any such consent shall, in favour of a person charged with an offence under that section, be conclusive as to the terms of the consent as it has effect for the time being, including the conditions subject to which it so has effect.

Register of consents under s. 72.

(2) Every register kept under this section shall be available for inspection by the public at all reasonable hours.

**76.**—(1) Where it appears to a river authority that any poisonous, noxious or polluting matter is present in an inland water in the area of the river authority, and has entered that inland water in consequence of an accident or other unforeseen act or event, the river authority, subject to the following provisions of this section, may carry out such operations as the authority consider necessary or expedient for either or both of the following purposes, that is to say—

Emergency measures in case of pollution of waters.

- (a) removing that matter from the inland water, and disposing of it in such manner as the authority consider appropriate, and
- (b) remedying or mitigating any pollution caused by its presence in the inland water.

(2) The power conferred by the preceding subsection does not include power to construct any works, other than works of a temporary character which are removed on or before the completion of the operations.

## PART VII

(3) Section 3(5) of this Act shall apply in relation to the powers conferred by this section as if they had been included among the functions of river boards transferred to river authorities by section 5 of this Act; and those powers shall be included among the transferred functions of river authorities accordingly.

(4) In section 135(2)(a) of this Act the reference to functions relating to river pollution includes the powers conferred by this section.

(5) Nothing in this section shall be construed as derogating from any duty of a river authority to enforce the provisions of the Rivers (Prevention of Pollution) Acts 1951 to 1961 in their area.

Special measures for securing proper use of water resources.

77.—(1) Any reference in this Act to action for the purpose of securing the proper use of water resources shall (without prejudice to the generality thereof) be taken to include action of any description to which this section applies for the purpose of rendering the quality of the water contained in an inland water more suitable for a particular use for which the water is required.

(2) This section applies to the making and (on the part of the river authority) the performance of an agreement between a river authority and a sewerage authority whereby, in consideration of payments to be made by the river authority, the sewerage authority will secure the removal to a different point, or other alteration, of an outlet from which sewage effluent (within the meaning of the Rivers (Prevention of Pollution) Act 1951) is discharged by the sewerage authority into an inland water in the area of the river authority.

(3) This section also applies to the carrying out by a river authority of any operations, other than engineering or building operations which are excepted from this subsection by directions given by the Minister, either to river authorities generally or to a particular river authority.

Borings not requiring licences under Part IV.

78.—(1) Where, at any time after the end of the initial period, a person proposes to construct in a river authority area a well, borehole or other work which is to be used solely for the purpose of abstracting, to the extent necessary to prevent interference with the execution or operation of any underground works, water contained in underground strata, or proposes to extend any such well, borehole or other work, he shall, before he begins to construct or extend the work, give to the river authority a notice of his intention in the prescribed form.

(2) Where, after the end of the initial period, a person proposes to construct or extend a boring in a river authority area for the

purpose of searching for or extracting minerals, he shall, before he begins to construct or extend the boring, give to the river authority a notice of his intention in the prescribed form.

(3) A river authority, to whom a notice is given by any person in pursuance of either of the preceding subsections, may by notice in writing to that person (in this section referred to as a "conservation notice") require him, in connection with the construction, extension or use of the work to which the first-mentioned notice relates, to take such reasonable measures for conserving water as are specified in the conservation notice, being measures which, in the opinion of the river authority, will not interfere with the protection of the underground works in question or, as the case may be, with the winning of minerals.

(4) The person on whom a conservation notice is served may, by notice in writing to the Minister, appeal to the Minister against the conservation notice on either or both of the following grounds, that is to say—

- (a) that the measures required by the conservation notice are not reasonable, and
- (b) that those measures would interfere with the protection of the underground works in question or with the winning of minerals, as the case may be ;

and on any such appeal the Minister may confirm, quash or vary the conservation notice as the Minister may consider appropriate.

(5) Any notice under the last preceding subsection shall be served within such time (not being less than twenty-eight days from the date of service of the conservation notice) and in such manner as may be prescribed by regulations under this Act.

(6) The decision of the Minister on any appeal under this section shall be final ; and section 39 (5) of this Act (with the substitution, for references to the applicant, of references to the appellant) and section 54 (2) of this Act shall apply to appeals under this section as they apply to appeals under Part IV of this Act.

(7) Any person who contravenes subsection (1) or subsection (2) of this section, or fails to comply with a conservation notice, shall be guilty of an offence and shall, on conviction on indictment or on summary conviction, be liable to a fine :

Provided that an offence under this section shall not be punishable on summary conviction by a fine exceeding one hundred pounds.

79.—(1) Section 18 of the Water Act 1945 (which empowers statutory water undertakers to make byelaws for the purpose of protecting water against pollution) shall have effect for enabling byelaws to be made under that section by river authorities. Byelaws for protection of water resources.

**PART VII**

(2) For the purposes of the application of that section by virtue of the preceding subsection—

- (a) any reference to statutory water undertakers shall be construed as a reference to a river authority, and any reference to the undertakers shall be construed as a reference to the river authority by whom the byelaws are made ;
- (b) the reference in subsection (1) of that section to water which belongs to statutory water undertakers or which they are for the time being authorised to take shall be construed as a reference to any such water as is mentioned in section 68 (1) of this Act ; and
- (c) in subsection (5) the words “ and subsection (2) of the next but one following section of this Act ” shall be omitted.

(3) Subject to the next following subsection, where it appears to a river authority to be necessary or expedient to do so for the purposes of their new functions or of their functions relating to land drainage or to fisheries, the river authority may make byelaws prohibiting such inland waters in their area as may be specified in the byelaws from being used for boating (whether with mechanically propelled boats or otherwise) swimming or other recreational purposes, or regulating the way in which any such inland waters so specified may be used for any of those purposes.

(4) Byelaws made by a river authority under the last preceding subsection shall not apply to—

- (a) any tidal waters ;
- (b) any inland water in relation to which functions are exercisable by a navigation authority, harbour authority or conservancy authority other than the river authority ;
- (c) any inland water falling within section 2 (3) of this Act ; or
- (d) any reservoir belonging to, and operated by, statutory water undertakers and not falling within the said section 2 (3).

(5) Subsection (3) of this section shall have effect without prejudice to the exercise of any power conferred on river authorities by virtue of subsection (1) of this section or by virtue of any enactment not contained in this Act.

(6) Byelaws made in respect of any inland water by virtue of subsection (3) of this section may include provision prohibiting the use of the inland water by boats which are not for the time being registered with the river authority in such manner as the

byelaws may provide ; and the byelaws may authorise the river authority to make reasonable charges in respect of the registration of boats in pursuance of the byelaws.

(7) No byelaw made by virtue of section 18 of the Water Act 1945 as applied by subsection (1) of this section shall conflict or interfere with the operation of any byelaw made by a navigation authority, harbour authority or conservancy authority.

(8) If any person contravenes, or fails to comply with, any byelaws made by virtue of this section (including any byelaws made by virtue of the said section 18 as applied by this section) he shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds ; and if the contravention or failure to comply is continued after the conviction, he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding five pounds for each day on which it is so continued.

(9) Without prejudice to any proceedings under the last preceding subsection, a river authority may take such action as they consider necessary to remedy the effect of any contravention of, or failure to comply with, byelaws made by them as mentioned in that subsection, and may recover the expenses reasonably incurred by them in doing so from the person in default.

**80.—**(1) Subject to subsection (5) of this section, a river authority may, if it appears to them reasonable to do so,—

(a) permit the use by members of the public, for the purposes of any form of recreation which the river authority consider appropriate, of any reservoir owned or managed by the river authority ;

(b) provide, or otherwise make available, facilities for use by persons resorting to any such reservoir for the purposes of any such form of recreation.

Provision of recreational facilities at reservoirs and other inland waters.

(2) Subject to subsection (6) of this section, where the use for the purposes of any form of recreation of an inland water (not being a reservoir to which the preceding subsection applies) is for the time being regulated by byelaws made by a river authority by virtue of subsection (3) of the last preceding section, the river authority may provide, or otherwise make available, facilities for use by persons resorting to that inland water for the purposes of that form of recreation.

(3) A river authority may, if they think fit, make such reasonable charges as they may determine in respect of the use of any reservoir for the purposes of recreation, and of any facilities made available by the authority under either of the preceding subsections.

**PART VII**

(4) A river authority may let to any person, for such consideration and on such terms and conditions as they think fit, any works constructed by them for the purpose of providing facilities under subsection (1) or subsection (2) of this section, and may authorise that person to make such reasonable charges as the authority may determine in respect of the use thereof as mentioned in that subsection.

(5) The powers of a river authority under subsection (1) of this section shall, in the case of a reservoir which the authority manage but do not own, be exercisable only with the consent of the owners of the reservoir.

(6) The expenditure incurred by a river authority in connection with the exercise of the powers conferred on them by subsection (2) of this section shall be limited so that, taking one year with another, it will not exceed the aggregate of—

- (a) the amounts received by the authority in respect of the use of facilities made available under that subsection, or the letting of works constructed for the purpose of providing facilities under that subsection, and
- (b) the amounts so received by way of charges required by any byelaw made by virtue of subsection (3) (as extended by subsection (6)) of the last preceding section to be paid for the registration of boats for use on an inland water to which subsection (2) of this section applies.

**Agreements for facilitating performance of functions of river authorities.**

**81.—**(1) A river authority may, subject to the next following subsection, enter into an agreement with any statutory water undertakers, with any local authority, or with the owner or occupier of any land, with respect to any one or more of the following matters, that is to say—

- (a) the execution by any party to the agreement of works within the river authority area which the river authority consider necessary or expedient in connection with the performance of their new functions ;
- (b) the maintenance by any party to the agreement of works executed in pursuance of the agreement ;
- (c) provision for the river authority to use, or have access to, any land within their area for any purpose connected with the performance of their new functions ;
- (d) the manner in which any reservoir in the river authority area is to be operated.

(2) The Minister may, by a direction given either to a particular river authority or to river authorities generally, direct that, in such cases or classes of cases as are specified in the

direction, the authority or authorities to whom the direction is given shall not enter into any agreement under this section except with the consent of the Minister and after prior consultation with the Water Resources Board.

(3) An agreement under this section may contain such incidental and consequential provisions (including provisions of a financial character) as appear to the river authority necessary or expedient for the purposes of the agreement.

(4) Where an agreement is made under this section with an owner of land, other than registered land, and the agreement provides that the provisions of this subsection shall have effect in relation thereto,—

- (a) the agreement may be registered as a land charge under section 10 of the Land Charges Act 1925, as if it were a charge affecting land falling within paragraph (iii) of Class D, and the provisions of section 13 of that Act (which relates to the effect of non-registration) shall apply as if it were such a land charge, and
- (b) subject to the provisions of section 13 of that Act, the agreement shall be binding upon any person deriving title or otherwise claiming under that owner (otherwise than in right of an interest or charge to which the interest of the owner was subject immediately before the agreement was made) to the same extent as it is binding upon that owner, notwithstanding that it would not have been binding upon that person apart from the provisions of this paragraph.

(5) Where an agreement under this section is made with an owner of land which is registered land, and the agreement provides that the provisions of this subsection shall have effect in relation thereto,—

- (a) notice of the agreement may be registered under section 59 (2) of the Land Registration Act 1925 as if it were a land charge (other than a local land charge) within the meaning of that Act, and the provisions of that Act shall apply accordingly as if it were such a land charge, and
- (b) where notice of the agreement has been so registered, the agreement shall be binding upon any person deriving title or otherwise claiming under that owner (otherwise than in right of an interest or charge to which the interest of the owner was subject immediately before the notice was registered) to the same extent as it is binding upon that owner, notwithstanding that it would not have been binding upon that person apart from the provisions of this paragraph.

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(6) In this section "registered land" has the same meaning as in the Land Registration Act 1925.

Future transfers of functions or property of other authorities and undertakings.

**82.—(1)** A river authority may at any time apply to the Ministers for an order under this section transferring to the river authority any one or more of the following, that is to say—

- (a) any functions of a navigation authority, conservancy authority or harbour authority, in so far as they are exercisable in relation to the area of the river authority ;
- (b) any property of a navigation authority, conservancy authority or harbour authority which is situated in the area of the river authority ;
- (c) any reservoir belonging to statutory water undertakers which is situated in the area of the river authority and is not a reservoir operated wholly or mainly for the supply of water to consumers ;
- (d) any well, borehole or other work whereby water may be abstracted from underground strata, being a work which is situated in that area and belongs to statutory water undertakers and is not operated wholly or mainly for the supply of water to consumers ;
- (e) the functions of managing and operating any such reservoir or work as is mentioned in paragraph (c) or paragraph (d) of this subsection, but without a transfer of the ownership of the reservoir or work.

(2) Where in accordance with the preceding subsection a river authority may apply for an order transferring any functions or property of another body, that body may themselves apply for such an order.

(3) The provisions of Schedule 10 to this Act shall have effect with respect to applications and orders under this section.

(4) An order under this section may contain such transitional, incidental, supplementary and consequential provisions as the Ministers consider necessary or expedient, including (but without prejudice to the generality of this subsection) such provisions as they consider necessary or expedient with respect to—

- (a) the transfer of assets and liabilities, the payment of compensation and other financial adjustments ;
- (b) the amendment, adaptation or repeal of local enactments ; and
- (c) the application (subject to such exceptions, adaptations and modifications as may be specified in the order) of any of the provisions of Part IX of this Act or any regulations made thereunder.



## PART VII

(5) Any transfer of functions or property which could be effected by an order under this section may, with the consent of the Ministers, be effected by agreement between the river authority and the other body concerned.

(6) Property vested in a river authority by virtue of an order or agreement under this section shall not be treated as so vested by way of sale for the purpose of section 12 of the Finance Act 1895 (which provides for charging stamp duty in the case of certain statutory transfers by way of sale).

(7) Where, by virtue of an order or agreement under this section, property is transferred to a river authority on the terms that—

- (a) the body from whom it is transferred shall continue liable for the repayment of, and payment of interest on, any sum borrowed in connection with the property, and
- (b) the river authority shall make payments to that authority in respect of amounts paid by them by reason of their continuing so liable,

any payment so made by the river authority shall be deemed to be a capital payment or an annual payment according as the amount in respect of which it is made was paid in or towards repayment of the loan or by way of interest thereon.

(8) Where by an order or agreement made by virtue of this section any functions are transferred to a river authority as mentioned in subsection (1) (e) thereof, references in this Act to the new functions of the authority shall be construed as including, and references to their transferred functions as not including, a reference to those functions.

(9) For the purposes of an application for, or the making of, an order transferring to a river authority any such functions or property as are mentioned in subsection (1) (a) and (b) of this section, and for the purposes of any agreement for the transfer of any such functions or property, "the Ministers" in this section means the Minister, the Minister of Agriculture, Fisheries and Food and the Minister of Transport acting jointly.

## PART VIII

## FINANCIAL PROVISIONS

83.—(1) Each river authority shall keep a separate account to be called the "water resources account" of the authority.

Water  
resources  
accounts  
of river  
authorities.

(2) There shall be carried to the credit of the water resources account of a river authority—

- (a) all amounts received by the authority in connection with their new functions, including such part (if any) of any amount paid to the authority under section 87

## PART VIII

- of this Act (whether in pursuance of a precept issued under that section or to make good a deficiency calculated under subsection (9) of that section in respect of such a precept) as is attributable to those functions ;
- (b) so much of any receipts of the authority in their capacity as a drainage authority or fisheries authority, or as successors to a navigation authority, harbour authority or conservancy authority, as may be determined by the river authority to represent the extent to which expenditure incurred by the authority in the performance of their new functions has contributed, or will contribute, towards the performance of their functions in that capacity.
- (3) There shall be debited to the water resources account of a river authority—
- (a) all expenses incurred and payments made by the authority in connection with their new functions, including so much of the necessary and proper establishment expenses of the authority as is attributable to those functions, but excluding any expenses which, in accordance with the following provisions of this Part of this Act, are defrayed out of any reserve fund or replacement fund maintained by them and any payments made out of any sinking fund so maintained ;
- (b) so much of any expenses incurred and payments made by the authority, in their capacity as a drainage authority or fisheries authority, or as successors to a navigation authority, harbour authority or conservancy authority, in respect of matters contributing towards the performance of their new functions (including any amounts paid into any sinking fund maintained by them, but excluding any payments made out of such a fund, as may be determined by the river authority to be expenses or payments which ought to be debited to that account ;
- (c) any amounts which, in accordance with the following provisions of this Part of this Act, are paid by the authority, out of receipts carried to the credit of that account, into any reserve fund or replacement fund maintained by them and any amounts paid by the authority out of such receipts into any sinking fund so maintained ;
- (d) such part (if any) of any excess calculated under section 87(9) of this Act, and repaid by the authority in pursuance of that subsection, as has been carried to the credit of that account in accordance with paragraph (a) of the last preceding subsection.

(4) References in this section to a river authority in their capacity as a fisheries authority are references to the river authority in their capacity as a body having functions relating to fisheries.

PART VIII

84.—(1) At any time on or after the date on which a charging scheme prepared by a river authority comes into operation, the river authority may establish and thereafter maintain a reserve fund. Reserve funds of river authorities.

(2) Subject to the next following subsection, a river authority may pay into their reserve fund any receipts of the authority carried to the credit of their water resources account.

(3) Except with the consent of the Minister, no sum shall be paid into the reserve fund of a river authority so as to make the amount at any time comprised in the fund exceed ten per cent. of the aggregate amount of capital expenditure incurred by the authority and their predecessors before that time; and the amount paid into the reserve fund of a river authority in any financial year shall not, except with the consent of the Minister, exceed one per cent. of the aggregate amount of capital expenditure incurred by the authority and their predecessors before the beginning of that year.

(4) Any moneys for the time being comprised in the reserve fund of a river authority may be applied in or towards the payment of any expenses (whether properly chargeable to capital or to revenue account) which, apart from this section, would fall to be debited to their water resources account.

(5) In this and the next following section “capital expenditure” means expenditure properly chargeable to capital account; and references in this and the next following section to capital expenditure incurred before any time by the predecessors of a river authority are references—

- (a) in the case of a river authority established by virtue of section 3 of this Act, to any capital expenditure incurred by the river board or boards for whose area or areas the river authority is so established, and
- (b) in the case of a river authority established by an order under section 10 of this Act, to any capital expenditure incurred before that time by a river authority whose area is wholly included in the area of that river authority, and such proportion as the Minister may determine of any capital expenditure so incurred by a river authority whose area is partly so included.

85.—(1) A river authority may at any time establish and thereafter maintain a replacement fund, and, subject to the following provisions of this section, may pay into that fund any receipts of the authority. Replacement funds of river authorities.

## PART VIII

(2) Any moneys for the time being comprised in the replacement fund of a river authority may be applied in or towards defraying the cost of replacing or repairing any plant, machinery, vehicle or article belonging to the authority or any part of any such plant, machinery, vehicle or article.

(3) Except with the consent of the Minister, no sum shall be paid into the replacement fund of a river authority so as to make the amount at any time comprised in the fund exceed five per cent. of the aggregate amount of capital expenditure incurred by the authority and their predecessors before that time; and the amount paid into the replacement fund of a river authority in any financial year shall not, except with the consent of the Minister, exceed one half of one per cent. of the aggregate amount of capital expenditure incurred by the authority and their predecessors before the beginning of that year.

Investment of moneys in reserve and replacement funds.

**86.**—(1) Where a river authority maintain a reserve fund, any moneys for the time being comprised in that fund shall, pending the application thereof in accordance with section 84 (4) of this Act, be invested in accordance with the following provisions of this section.

(2) Sections 1, 2, 5, 6, 12 and 13 of the Trustee Investments Act 1961 (which relate to the investment powers of trustees) shall have effect in relation to any such moneys, and in relation to any investments or other property for the time being representing any such moneys, as if they constituted a trust fund and the river authority were the trustees of that trust fund; and section 7 (2) of that Act (which relates to certain local and other authorities) shall have effect in relation to sections 1, 2, 5 and 6 of that Act as applied by this subsection as it has effect in relation to those sections as applied by section 7 (1) of that Act.

(3) River authorities shall be included among the authorities to which section 11 of that Act applies (which relates to the operation of collective investment schemes).

(4) Any income arising from any such moneys, investments or property as are mentioned in subsection (2) of this section shall be treated as revenue available generally for defraying any expenses of the river authority which do not fall to be debited to their water resources account or paid out of the reserve fund or any replacement fund maintained by them.

(5) Where any income is treated as mentioned in the last preceding subsection, there shall be paid into the reserve fund, from revenue available as mentioned in that subsection, a sum equal to the amount of that income :

Provided that if the payment of a sum under this subsection would contravene any restriction imposed by section 84 (3) of

this Act, then, so far as may be necessary for avoiding any such contravention, the sum so payable shall be reduced, or, as the case may require, shall not be paid.

PART VIII

(6) The provisions of this section shall have effect in relation to a replacement fund maintained by a river authority as they have effect in relation to a reserve fund so maintained, with the substitution, for the reference to section 84 (4), of a reference to section 85 (2), and for the reference to section 84 (3), of a reference to section 85 (3) of this Act.

**87.**—(1) For the purposes of this section the aggregate amount required to be raised by precept by a river authority for any financial year shall be ascertained as follows, that is to say—

Precepts  
by river  
authorities.

- (a) subject to the following paragraphs, that aggregate amount shall be an amount equal to so much of the expenditure of the river authority for that financial year as is not debited to the water resources account of the authority and is neither defrayed out of any reserve fund, replacement fund or sinking fund maintained by the authority nor defrayed out of sums received by the authority in respect of that year otherwise than by virtue of this section, together with so much of the total amount (if any) paid by the authority in that financial year into any such replacement fund or sinking fund as is not debited to the water resources account of the authority ;
- (b) in the case of any financial year for which the relevant water resources expenditure of the river authority exceeds the relevant water resources receipts of the authority, the amount of the excess shall be added to the amount specified in the preceding paragraph ;
- (c) there shall also be added to the amount specified in paragraph (a) of this subsection any amount required to be provided in that financial year by way of new working capital, and there shall be added to, or (as the case may be) deducted from, the amount so specified any amount required to be brought forward from a previous financial year, and to be so added or deducted, in accordance with the following provisions of this section.

(2) In paragraph (b) of the preceding subsection “relevant water resources expenditure”, in relation to any financial year, means any expenditure of the river authority, and any amount paid by the authority into a replacement fund or sinking fund maintained by them, which—

- (a) is incurred or paid before the coming into operation of a charging scheme prepared by the river authority, and

## PART VIII

(b) is debited in respect of that year to the water resources account of the authority by virtue of any of paragraphs (a) to (c) of section 83 (3) of this Act, and "relevant water resources receipts", in relation to a financial year, means any receipts of a river authority which, not being sums received by virtue of this section, are carried to the credit of the water resources account of the authority for that year:

Provided that the Minister may in any particular case direct that, in relation to any financial year of a river authority specified in the direction, paragraph (a) of this subsection shall be disregarded, either wholly or in respect of any such expenditure or amount as may be so specified.

(3) Not later than the end of the month of February immediately preceding each financial year, each river authority shall estimate the aggregate amount required to be raised by precept by the river authority for that year; and that amount shall be apportioned by the river authority among the councils of counties and county boroughs any part of which is comprised in the river authority area, on the basis of the appropriate penny rate product for the relevant area of each such council for the relevant year (calculated in accordance with section 121 of this Act).

(4) A river authority may issue precepts to the councils of counties and county boroughs requiring payment of amounts apportioned to those councils under the last preceding subsection; and, subject to the following provisions of this section, each such council shall pay, in accordance with any precept issued to the council, the amount thereby demanded.

(5) If at any time during a financial year it appears to a river authority that the aggregate amount for which they have issued precepts for that year will fall short of the aggregate amount required to be raised by precept by the authority for that year, the authority shall estimate the amount of the deficiency; and the provisions of subsections (3) and (4) of this section shall have effect in relation to an amount estimated under this subsection as they have effect in relation to an amount estimated under subsection (3) of this section.

(6) Subject to the next following subsection, the aggregate amount for which precepts may be issued under this section for any one financial year to the council of a county or county borough shall not, except with the consent of a majority of the whole number of the local authority members of the river authority, exceed four times the appropriate penny rate product for the relevant area of the council for the relevant year.

(7) Where a river authority have borrowed or propose to borrow any money under this Act, and a majority of the whole

number of the local authority members of the river authority so resolve, the last preceding subsection shall have effect, during the currency of the loan, as if for the reference to four times the appropriate penny rate product for the relevant area of the council there were substituted a reference to such greater amount as may be specified in the resolution.

(8) It shall be the duty of a river authority to prepare, in such form as the Ministers may direct, a statement of the purposes to which the amount demanded by any precept issued by the authority under this section is intended to be applied, and of the basis on which it is calculated; and the council of a county or county borough shall not be liable to pay the amount demanded by any such precept until they have received such a statement.

(9) It shall also be the duty of a river authority, as soon as practicable after the end of each financial year, to calculate the amount by which the amount demanded by any precept for that year issued under this section to the council of a county or county borough exceeds, or falls short of, the amount which would have fallen to be so demanded from that council if the apportionment under subsection (3) of this section had been made, in relation to each of the councils referred to in that subsection, on the basis of whichever is the greater of the following amounts, that is to say—

- (a) the amount of the actual product of a rate of one penny in the pound for the relevant area of the council for that year, and
- (b) the final standard penny rate product for that area for that year;

and if in any case the calculation under this subsection shows an excess, the amount of the excess shall be recoverable by the council from the river authority, or, if it shows a deficiency, the amount of the deficiency shall be recoverable by the river authority from the council.

(10) For the purposes of the last preceding subsection the final standard penny rate product for the relevant area of a county or county borough council for any year shall be ascertained as follows, that is to say—

- (a) where the relevant area of the council is the whole of its area, the amount of that product shall be taken to be the amount of the standard penny rate product for that area for that year as ascertained for the purposes of section 5 of the Local Government Act 1958 (which relates to Rate-deficiency Grants), and
- (b) in any other case, the amount of that product shall be taken to be the amount which bears to the standard penny rate product (as so ascertained) for the whole

## PART VIII

of the area of the council for that year the same proportion as the actual product of a rate of one penny in the pound for the relevant area of the council for that year bears to the actual product of such a rate for the whole of the area of the council for that year.

(11) As soon as practicable after the end of each financial year, each river authority shall also ascertain the actual amount which was the aggregate amount required to be raised by precept by the authority for that year, and shall determine whether, and (if so) how far, the aggregate amount for which precepts have been issued by the river authority for that year exceeds or falls short of the amount ascertained under this subsection; and if the comparison under this subsection shows an excess or a deficiency, the amount of the excess or deficiency shall be brought forward to the next financial year and (if an excess) shall be deducted, or (if a deficiency) shall be added, in ascertaining the aggregate amount required to be raised by precept by the river authority for that next financial year.

(12) The preceding provisions of this section shall have effect subject to the provisions of Part I of Schedule 11 to this Act in the circumstances specified in that Part of that Schedule.

General provisions as to finances of river authorities.

**88.**—(1) Where a river authority holds any funds, or any interest in any funds, created under any local Act for fishery purposes, those funds or that interest shall only be used for the purposes for which the funds or interest could have been used if this Act had not been passed.

(2) Subject to the preceding subsection, all revenues of a river authority, other than revenues falling to be carried to the credit of their water resources account, shall be available generally for defraying any expenses of the river authority which do not fall to be debited to that account:

Provided that this subsection shall not apply to any receipts of the river authority which are paid into a replacement fund maintained by them under section 85 of this Act, to any special drainage charges levied by the authority under section 3 of the Land Drainage Act 1961, or to any receipts of the authority in their capacity as the drainage board of an internal drainage district.

Grants by Minister for works under hydrometric schemes.

**89.**—(1) Subject to the provisions of this section, the Minister may make grants to any river authority, of such amounts as the Treasury may sanction, towards expenditure incurred by the authority in the construction or alteration of works in accordance with a hydrometric scheme.

(2) No grant shall be made under this section in respect of any works unless the plans and sections for the construction or



alteration have been approved by the Water Resources Board, and the Board report to the Minister that they are satisfied that the construction or alteration is being properly carried out.

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90. The Water Resources Board shall have power to contribute to any river authority such sums as the Board may with the approval of the Minister determine in respect of—

Contributions  
by Water  
Resources  
Board  
to river  
authorities.

- (a) any expenses incurred by the river authority in obtaining and recording measurements of rainfall, evaporation, the flow, level or volume of inland waters, and other related matters, in so far as they are measurements which are not required to be obtained and recorded under a hydrometric scheme prepared by the river authority ;
- (b) any work of an experimental nature carried out by the river authority in pursuance of any direction given or request made by the Board.

91.—(1) Where, on the application of a navigation authority, harbour authority or conservancy authority, it appears to a river authority that any works constructed or maintained by the applicants (whether before or after the passing of this Act) have made, or will make, a beneficial contribution towards the fulfilment of the purposes of the river authority's new functions, the river authority shall contribute to the applicants such sums, on such terms and conditions, as they and the applicants may agree to be appropriate towards the expenditure incurred or to be incurred by the applicants in constructing or maintaining those works.

Contributions  
between river  
authorities and  
certain other  
authorities.

(2) Where, on the application of a river authority, it appears to a navigation authority, harbour authority or conservancy authority that any works constructed or maintained by a river authority in the performance of their new functions have made, or will make, a beneficial contribution towards the performance of the functions of the authority to whom the application is made, that authority shall contribute to the river authority such sums, on such terms and conditions, as they and the river authority may agree to be appropriate towards the expenditure incurred or to be incurred by the river authority in constructing or maintaining those works.

(3) If, on any application under this section, the authority to whom the application is made (in this subsection referred to as "the other authority concerned") refuse to make a contribution, or the applicants and the other authority concerned are unable to agree as to the sums to be contributed or the terms and conditions on which they are to be contributed,—

- (a) the applicants or the other authority concerned may refer the matter in dispute to the Minister and the Minister of Transport, and

## PART VIII

- (b) those Ministers may either determine that matter themselves or may refer it for determination to an arbitrator appointed by them for the purpose ;

and any decision of those Ministers or of an arbitrator under paragraph (b) of this subsection shall be final, and the other authority concerned shall contribute in accordance with the decision as if the sums, or the terms and conditions, determined under that paragraph had been agreed to be appropriate as mentioned in subsection (1) or subsection (2) of this section, as the case may be.

(4) Any expenditure incurred by a navigation authority, harbour authority or conservancy authority in paying any contribution under this section shall be defrayed in the like manner as any corresponding expenditure of that authority; and the authority shall have the like powers for the purpose of raising money required for paying any such contribution as they would have for the purpose of raising money required for defraying any such corresponding expenditure.

(5) In the last preceding subsection any reference to corresponding expenditure of a navigation authority, harbour authority or conservancy authority is a reference to expenditure incurred by the authority in performing the functions in respect of which it is claimed by the applicants that the works in question have made, or will make, a beneficial contribution as mentioned in subsection (2) of this section.

## Borrowing powers.

**92.**—(1) A river authority may borrow temporarily, by way of overdraft or otherwise, such sums as they may require—

- (a) for the purpose of defraying expenses pending the receipt of revenues receivable by them in respect of the period of account to which those expenses are chargeable and taken into account in the estimates made by them for that period ;
- (b) for the purpose of defraying, pending the raising of money by a mortgage under the following provisions of this section, expenses intended to be defrayed by means of that money.

(2) Subject to the next following subsection, a river authority may borrow money by mortgage for all or any of the following purposes, that is to say—

- \* (a) the acquisition of land or of any interest in or right over land ;
- (b) the construction of any buildings or other permanent works ;
- (c) the doing of any other thing the cost of which, in the opinion of the appropriate Minister or Ministers, ought to be spread over a term of years ;

(d) the repayment of any money previously borrowed by them or borrowed by a river board or other body for the purposes of functions which, by or under this Act, are transferred (whether from that body or another body) to the river authority.

(3) No money shall be borrowed under the last preceding subsection for any such purpose as is mentioned in paragraphs (a) to (c) of that subsection except with the consent of the appropriate Minister or Ministers; and a river authority shall not by virtue of paragraph (d) of that subsection have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment, or making any annual payment, which has or may become due in respect of borrowed money.

(4) Moneys borrowed by a river authority under subsection (2) of this section shall be charged indifferently on all the revenues of the authority except any such funds as are referred to in section 88 (1) of this Act.

(5) Subject to the next following subsection, sections 198 to 200, sections 202, 203, 205 and 206, section 207 (except subsection (5)) and sections 208 to 214 of the Local Government Act 1933, so far as they are applicable to the borrowing of money under subsection (2) of this section, shall apply to any borrowing thereunder subject to the following modifications:—

- (a) for references to a local authority there shall be substituted references to a river authority;
- (b) for references to the Minister there shall be substituted references to the appropriate Minister or Ministers;
- (c) “prescribed”, except in section 205 of that Act, shall mean prescribed by regulations made by the Ministers;
- (d) for references to the county fund or the general rate fund there shall be substituted references to the general revenues of the river authority.

(6) Where under subsection (2) of this section any money is borrowed by a river authority for a purpose falling within their new functions and the purpose consists of or includes the construction of buildings or other permanent works,—

- (a) the river authority may, if they think fit, postpone the repayment (by sinking fund or otherwise) of the principal sum borrowed until the end of the preliminary period;
- (b) whether repayment is so postponed or not, the purposes for which the river authority are authorised to borrow money under subsection (2) (b) of this section shall include the borrowing of money to pay interest on the principal sum borrowed during the preliminary period.

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In this subsection "the preliminary period" means the period beginning with the date of the borrowing first mentioned in this subsection and ending with whichever of the following dates first occurs, that is to say—

- (i) the date of the fifth anniversary of the date of that borrowing, and
- (ii) the date on which the buildings or works in question are first brought into use.

(7) Where money is borrowed in pursuance of paragraph (b) of subsection (1) of this section and subsequently money is raised by a mortgage as mentioned in that paragraph, then, for the purposes of the provisions of the Local Government Act 1933 applied by subsection (5) of this section, in so far as they regulate the repayment of the money raised by that mortgage, the money shall, to the extent of the sum borrowed in pursuance of subsection (1) (b) of this section, be deemed to have been raised at the time when that borrowing took place.

(8) Nothing in this section shall be construed as authorising a river authority to borrow any money in contravention of any order made under section 1 of the Borrowing (Control and Guarantees) Act 1946 which is for the time being in force.

(9) The provisions of Part II of Schedule 11 to this Act shall have effect with respect to borrowing before the second appointed day.

Expenses of Water Resources Board and expenses and receipts of Ministers.

93.—(1) The expenses of the Water Resources Board under this Act shall be defrayed by the Minister.

(2) Any expenses incurred by the Minister, the Minister of Agriculture, Fisheries and Food or the Minister of Transport in consequence of the provisions of this Act shall be defrayed out of moneys provided by Parliament.

(3) 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.

(4) Any receipts of any of the said Ministers under this Act shall be paid into the Exchequer.

## PART IX

## TRANSFER OF UNDERTAKINGS OF RIVER BOARDS

General provisions for transfer of assets and liabilities.

94.—(1) The provisions of this section, and of sections 95 to 97 of this Act, shall have effect in the case of any river board (in those provisions referred to as "the board") whose functions are transferred by virtue of section 5 of this Act to a river

authority (in those provisions referred to as "the authority") to whom none of the functions of any other river board are so transferred.

(2) All property, rights, liabilities and obligations which, immediately before the second appointed day, were property, rights, liabilities and obligations of the board shall on that day, by virtue of this Act and without further assurance, be transferred to the authority.

(3) Subject to the following provisions of this section, every agreement to which the board was a party immediately before the second appointed day, whether in writing or not and whether or not of such a nature that rights, liabilities and obligations thereunder could be assigned by the board, shall, unless its terms or subject-matter make it impossible that it should have effect as modified in the manner provided by this subsection, have effect as from the second appointed day as if—

- (a) the authority had been a party to the agreement ;
- (b) for any reference (however worded and whether express or implied) to the board there were substituted, in relation to anything falling to be done on or after the second appointed day, a reference to the authority ;
- (c) for any reference (however worded and whether express or implied) to any member or officer of the board there were substituted, in relation to anything falling to be done on or after the second appointed day, a reference to such person as the authority may appoint, or, in default of appointment, to the member or officer of the authority who corresponds as nearly as may be to the member or officer of the board in question ; and
- (d) in the case of an agreement for the rendering of personal services to the board, the services to which the agreement relates were, on and after the second appointed day, any services under the authority, to be selected by the authority, which are reasonably equivalent services.

(4) Other documents which refer, whether specifically or generally, to the board shall be construed in accordance with the provisions of the last preceding subsection, so far as applicable.

(5) The last preceding subsection does not apply to enactments contained in any Act, or to orders, schemes, regulations, awards or byelaws in relation to which the provisions of Schedule 3 to this Act have effect.

(6) Without prejudice to the generality of the preceding provisions of this section, where, by the operation of any of those

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provisions any right, liability or obligation vests in the authority, the authority and all other persons shall, as from the second appointed day, have the same rights, powers and remedies (and, in particular, the same rights as to the taking or resisting of legal proceedings or the making or resisting of applications to any other authority) for ascertaining, perfecting or enforcing that right, liability or obligation as they would have had if it had at all times been a right, liability or obligation of the authority.

(7) Any legal proceedings or applications to any other authority to which the board is a party and which are pending on the second appointed day may be continued on and after that day as if the authority instead of the board had been a party thereto.

(8) For the purposes of this section any agreement or other document in relation to which the provisions of subsection (2) or subsection (3) of section 25 of the River Boards Act 1948 had effect (which subsections contained provisions corresponding to subsections (3) to (5) of this section) shall be treated as having been amended by that section so as to have effect in accordance with those provisions.

Supplementary provisions as to transfer of assets and liabilities.

**95.**—(1) The Ministers may make regulations providing for the registration of the title of the authority to assets vesting in them by virtue of the last preceding section, being assets of a kind subject to provisions for the registration of title thereto, and for any other matters for which provision appears to the Ministers to be necessary or expedient for the purpose of securing the effective transfer of any assets vesting in the authority by virtue of that section.

(2) Property vested in the authority by virtue of the last preceding section shall not be treated as so vested by way of sale for the purpose of section 12 of the Finance Act 1895.

Pension rights.

**96.**—(1) As from the first appointed day—

- (a) the authority shall be included among the local authorities specified in Part I of Schedule 1 to the Local Government Superannuation Act 1937 (which enumerates local authorities whose whole-time officers are compulsorily superannuable), and
- (b) for the purposes of that Act (hereafter in this Part of this Act referred to as “the Act of 1937”) the superannuation fund which immediately before the first appointed day was the appropriate superannuation fund in relation to the board and to officers and servants of the board shall, subject to the next following subsection, be the appropriate superannuation fund in

relation to the authority and to officers and servants of the authority,

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and, subject to the provisions of this and the next following section, the provisions of the Act of 1937 shall apply accordingly.

(2) If immediately before the first appointed day the board was a constituent authority in relation to a combination scheme in force under section 2 of the Act of 1937—

- (a) the scheme shall be modified by agreement between the authority and the joint committee established under the scheme, or, in default of such agreement, by the Minister, so far as appears to the authority and the joint committee, or (as the case may be) to the Minister, to be necessary for making the authority a constituent authority and for applying the scheme to officers and servants of the authority, and the scheme shall have effect as so modified, and
- (b) paragraph (b) of the preceding subsection shall have effect in relation to the joint superannuation fund maintained under the scheme as so modified, but only so long as the scheme remains in force and the authority is a constituent authority in relation to the scheme.

(3) Subject to the preceding provisions of this section, and to the next following section,—

- (a) any statutory provision contained in or made or issued under the Local Government Superannuation Acts 1937 to 1953, the Superannuation (Miscellaneous Provisions) Act 1948 or the National Insurance Act 1959, which is in force at the passing of this Act, and
- (b) except as may be otherwise expressly provided therein, any enactment passed after the passing of this Act whereby any of those Acts is amended, extended or superseded, and any statutory provision which after the passing of this Act is made or issued under any of those Acts or such an enactment,

shall have effect in relation to officers or servants of the board who on the second appointed day become officers or servants of the authority, as if their employment by the board and their employment by the authority were one continuous employment.

97.—(1) Any such statutory resolution as is mentioned in section 3 (2) (b) of the Act of 1937 (which relates to servants and part-time officers of local authorities) which either—

Supplementary provisions as to pension rights.

- (a) was passed by the board, or by virtue of section 29 (2) of the River Boards Act 1948 has effect as if passed by the board, and

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(b) is in force immediately before the second appointed day,

in so far as immediately before that day it applies to any person who on that day becomes a servant or part-time officer of the authority, shall continue in force and have effect as if it had been passed by the authority.

(2) Any reference in this Part of this Act to obligations of the board shall be construed as including a reference to any customary obligations of the board in respect of pensions (including any customary obligations to which the board became subject by virtue of section 29 (6) of the River Boards Act 1948) notwithstanding that the board was under no legal obligation in respect of those pensions; and section 35 of the Act of 1937 (which provides for the reference of questions to the Minister for determination by him) shall apply to any question as to the existence or extent of any such customary obligations.

(3) Without prejudice to the generality of the last preceding subsection, where immediately before the second appointed day it was the prevailing practice of the board to exercise beneficially (that is to say, so as to secure the payment of pensions or of increased pensions) any discretionary power exercisable by them by virtue of any such statutory provision as is mentioned in subsection (3) of the last preceding section, it shall, in relation to officers or servants to whom the said subsection (3) applies, be the duty of the authority to exercise that power (or any corresponding power under the statutory provisions relating to pensions for the time being in force) in a way which is not less beneficial than that practice; and section 35 of the Act of 1937 shall apply to any question arising under this subsection.

(4) The provisions of the last preceding section shall not have effect in relation to any person who gave notice to the board under section 29 (4) of the River Boards Act 1948 (which relates to officers and servants of river boards electing to retain their previous pension rights); and if such a fund as is mentioned in the said section 29 (4) was maintained by the board, and by virtue of this Part of this Act is transferred to the authority, the authority shall apply the fund, in accordance with and to the extent specified in the scheme relating thereto, in supplementing the pensions payable by virtue of any such statutory provision as is mentioned in subsection (3) of the last preceding section to or in respect of the persons to whom the scheme applies.

(5) Subsection (3) of the last preceding section shall not be construed as exempting the authority from any duty under any such statutory provision as is mentioned in that subsection to ascertain, record or notify the status of officers and servants of



the authority, being a duty to which the authority would be subject if employment by the board and employment by the authority were not treated as one continuous employment.

(6) Where at any time before the second appointed day a gratuity, by way of periodical payments or an annuity,—

(a) was granted to any person by the board on his ceasing to be employed by the board, or

(b) was granted to the widow or any other dependant of a person who died while in the employment of the board, or who died during the currency of such a gratuity granted to him as mentioned in the preceding paragraph,

and, if payment in respect of the gratuity had continued in accordance with the terms of the grant, one or more payments in respect of that gratuity would have been made by the board on or after the second appointed day, whether the board would have been obliged to make those payments or not, those payments shall be made by the authority.

(7) Without prejudice to the last preceding subsection, where for the purposes of any such statutory provision as is mentioned in subsection (3) of the last preceding section the board (if this Act had not been passed) would at any time on or after the second appointed day have been the employing authority in relation to—

(a) a person who before that day died while in the employment of the board, or otherwise ceased to be employed by the board, or

(b) the widow or any other dependant of such a person, the authority shall be treated as being at that time the employing authority for those purposes in relation to that person, or to that person's widow or other dependant, as the case may be.

(8) In so far as express provision is made by the last preceding section, or by subsections (1) to (7) of this section, in relation to any matter, sections 5 and 94 of, and Schedule 3 to, this Act shall have effect subject to that express provision; but in all other respects the last preceding section, and subsections (1) to (7) of this section, shall not be construed as affecting the generality of sections 5 and 94 of, and Schedule 3 to, this Act.

98.—(1) Subject to the following provisions of this section, the provisions of sections 94 to 97 of this Act shall have effect in the case of a river board whose functions are transferred by virtue of section 5 of this Act to a river authority to whom the functions of another river board are also so transferred, as those provisions have effect in relation to such a river board as is mentioned in section 94 (1) of this Act.

Provisions where river authority area comprises two river board areas.

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In the following provisions of this section "the boards" means the two river boards whose functions are transferred to the same river authority as mentioned in this subsection, and "the authority" means the river authority to whom the functions of those boards are transferred.

(2) Section 94 of this Act, as applied by the preceding subsection, shall not affect the construction of any reference in an agreement or other document to the area of either of the boards.

(3) If immediately before the first appointed day the superannuation fund which for the purposes of the Act of 1937 was the appropriate superannuation fund in relation to one of the boards was not the same as the fund which was for those purposes the superannuation fund in relation to the other of the boards, the appropriate superannuation fund in relation to the authority and to officers and servants of the authority (in this subsection referred to as "the appropriate fund") shall be determined as follows, that is to say—

- (a) if neither of the funds in question was a joint superannuation fund maintained under a scheme in force under section 2 of the Act of 1937, the appropriate fund shall be such one of those funds as the two administering authorities and the authority may agree, or, in default of such agreement, the Minister may determine;
- (b) if one (but not both) of those funds was such a joint superannuation fund, the appropriate fund shall be either that joint superannuation fund or the other of the two funds as the joint committee administering the joint fund and the administering authority maintaining the other fund and the authority may agree, or, in default of such agreement, the Minister may determine;
- (c) if both of those funds were such joint superannuation funds, the appropriate fund shall be such one of those joint funds as the two joint committees administering them and the authority may agree or, in default of such agreement, the Minister may determine.

(4) Where the last preceding subsection applies, section 96 (3) of this Act shall not have effect for the purposes of section 29 of the Act of 1937 (which provides for the payment of transfer values on a change from one superannuation fund to another); but, with respect to any transfer values which, apart from any direction under this subsection, would, in a case falling within the last preceding subsection, be payable under the said section 29 by the administering authority or joint committee maintaining one superannuation fund (in this subsection referred to as the "transferor fund") to the administering authority or joint

committee maintaining another superannuation fund, the Minister, if in the circumstances he considers it equitable to do so, may give directions for securing that—

- (a) no such transfer values will be payable in consequence of the last preceding subsection ;
- (b) the assets comprised in the transferor fund will be apportioned in such manner as the administering authorities or joint committees concerned may agree or, in default of such agreement, the Minister may determine ; and
- (c) in respect of such part of those assets as may be so agreed or determined, such financial adjustments (whether by way of the transfer of assets or the making of a payment or both) as may be so agreed or determined shall be made ;

and any directions given under this subsection may include such incidental, supplementary and consequential provisions as the Minister considers appropriate.

(5) In this section “ administering authority ”, in relation to a superannuation fund, has the same meaning as in the Act of 1937.

99.—(1) The Ministers may by order make provision for dissolving river boards ; and any order under this section—

Provision for winding up and dissolution of river boards.

- (a) may contain provision for winding up the affairs of any river board to which the order relates, and
- (b) may include any provisions as to matters preparatory or incidental to, or consequential upon, the dissolution of any river board which the Ministers may consider necessary or expedient and is not inconsistent with any provision relating thereto contained in this Act.

(2) Where an order appointing the second appointed day has been made under section 3 (4) of this Act, the Ministers may if they think fit provide by an order under this section for extending until the second appointed day the terms of office of the members of any river board whose members would, apart from any such provision, cease to hold office during the period of twelve months ending with that day :

Provided that nothing in any such order shall affect the operation of any enactment contained in the River Boards Act 1948 or the Land Drainage Act 1961 under which a particular member of a river board may cease to hold office earlier than the other members of the board.

(3) The last preceding subsection shall not be construed as prejudicing the generality of the powers conferred by subsection (1) of this section.

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Saving for acts of river boards.

**100.**—(1) Neither the transfer of functions of a river board nor the dissolution of a river board by or under this Act shall invalidate any order, regulation, byelaw, scheme, rule, appointment, direction, instruction, licence, approval, consent, resolution, rate, precept, charge, requirement or authorisation made, given, passed, issued or raised or other thing done in the performance of the functions of the river board before the second appointed day, or which by virtue of section 31 of the River Boards Act 1948 has effect immediately before that day as if it had been so made, given, passed, issued, raised or done.

(2) Subject and without prejudice to the preceding provisions of this Part of this Act, and to the provisions (where applicable) of Schedule 3 to this Act, every such matter as is mentioned in the preceding subsection, in so far as it could have been effected by the river authority to whom the functions of the river board are transferred by section 5 of this Act, shall have effect, as from the second appointed day, as if it had been effected by that river authority.

## PART X

## MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

Preservation of amenity and public rights of access.

**101.**—(1) In formulating or considering any proposals relating to the performance of any of their functions under this Act, river authorities and the Water Resources Board and any Minister having functions under this Act, having regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest, and of protecting buildings and other objects of architectural or historic interest, shall each take into account any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, buildings or objects.

(2) In formulating or considering any such proposals, river authorities and the Water Resources Board and any Minister having functions under this Act, having regard to the desirability of preserving public rights of access to areas of mountain, moor, heath, down, cliff or foreshore and other places of natural beauty, shall each take into account any effect which the proposals would have on the preservation of any such rights of access.

Land of special natural interest.

**102.** Where the Nature Conservancy are of opinion that any area of land, not being land for the time being managed as a nature reserve, is of special interest by reason of its flora, fauna or geological or physiographical features and may at any time be affected by schemes, operations or activities of a river authority, it shall be the duty of the Conservancy to notify that fact to the river authority in whose area the land is situated.

**103.**—(1) In the performance of their functions under sub-sections (1) and (2) of section 14 of this Act, a river authority shall have particular regard to the duty of any relevant statutory water undertakers to provide supplies of water to which this section applies.

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Protection of duty of statutory water undertakers to supply water for domestic and public purposes.

(2) This section applies to the following supplies of water, that is to say—

- (a) a supply of water for domestic purposes, and
- (b) a supply of water for any such purpose as is mentioned in section 32 or section 37 of Schedule 3 to the Water Act 1945 (which relate respectively to supplies for extinguishing fires and to supplies for cleansing sewers, drains and highways and for similar purposes).

(3) In subsection (1) of this section “relevant statutory water undertakers” means any statutory water undertakers who fulfil any one or more of the following conditions, that is to say—

- (a) that any part of the area of the river authority falls within their limits of supply ;
- (b) that they are the holders of a licence under this Act to abstract water from a source of supply in that area ;
- (c) that they have made an application to the river authority for such a licence or have given notice to the river authority of their intention to make such an application ;
- (d) that they receive a supply of water in bulk from any statutory water undertakers who fulfil the condition specified in paragraph (b) or paragraph (c) of this subsection.

(4) In dealing with any application or appeal by statutory water undertakers under Part IV of this Act, and in formulating, proceeding with or considering any proposals for the variation or revocation of a licence under this Act of which statutory water undertakers are the holders, a river authority or the Minister, as the case may be, shall have particular regard to the duty of those undertakers, and of any statutory water undertakers who receive a supply of water in bulk from those undertakers, to provide supplies of water to which this section applies.

(5) In this section “duty” means a duty imposed by or under an enactment, and “a supply of water for domestic purposes”, “supply of water in bulk” and “limits of supply” have the same meanings as in Schedule 3 to the Water Act 1945.

**104.** Where it appears to the Water Resources Board, on the application of a river authority, that the effective execution, in relation to the area of that authority, of the Minister’s national policy relating to water (in so far as it relates to matters falling within the functions of that authority) presents special problems

Technical assistance by Water Resources Board to river authorities.

**PART X** or requires special professional or technical skill, the Board may place the services of any of their officers at the disposal of the river authority for such period as may be agreed between the Board and the authority and on such terms, as to payment or otherwise, as may be so agreed with the approval of the Minister.

Power to restrict or extend spray irrigation provisions.

**105.**—(1) The Ministers may by order direct that references in this Act to spray irrigation, or such of those references as may be specified in the order, shall be construed as not including spray irrigation if carried out by such methods or in such circumstances or for such purposes as may be specified in the order.

(2) Without prejudice to the exercise of the power conferred by the preceding subsection, the Ministers may by order direct that references in this Act to spray irrigation, or such of those references as may be specified in the order, shall be construed as including references to the carrying out, by such methods or in such circumstances or for such purposes as may be specified in the order, of irrigation of any such description, other than spray irrigation, as may be so specified.

Compensation of officers and servants.

**106.**—(1) The Ministers shall by regulations make provision requiring the payment by such river authority as may be prescribed by or determined under the regulations, subject to such exceptions or conditions as may be so prescribed, of compensation to or in respect of persons who are, or but for any national service of theirs would be, the holders of any such situation, place or employment as may be so prescribed who suffer loss of employment, or loss or diminution of emoluments, in consequence of—

- (a) any of the provisions of section 5 or Part IX of this Act, or
- (b) any order under section 10 of this Act, or
- (c) any order or agreement under section 82 of this Act.

(2) Different regulations may be made under this section in relation to different classes of persons, and any such regulations may be so framed as to have effect as from a date earlier than that on which they are made, so however that so much of any regulations as provides that any provision thereof is to have effect as from a date earlier than that on which they are made shall not place any person (other than a river authority) in a worse position than he would have been in if the regulations had been so framed as to have effect only as from the date on which they are made.

(3) Regulations made under this section may include provision as to the manner in which, and the person to whom, any claim for compensation under this section is to be made, and for the determination of all questions arising under the regulations.

(4) In this section "national service" means any such service in any of Her Majesty's forces or other employment (whether or not in the service of Her Majesty) as may be prescribed by regulations under this section; and for the purposes of the making of any regulations which would apply to loss of employment, or loss or diminution of emoluments, in consequence of any such order or agreement as is mentioned in section 82 (9) of this Act, "the Ministers" in this section means the Minister, the Minister of Agriculture, Fisheries and Food and the Minister of Transport acting jointly.

**107.**—(1) The Minister may give to river authorities such directions as he considers expedient in relation to their new functions; and the appropriate Minister or Ministers may give to river authorities such directions in relation to any of their transferred functions as he or they consider expedient for the purpose of securing the effective performance of any of their new functions. Powers to give directions.

(2) Any directions under the preceding subsection may be given either to a particular river authority or to river authorities generally.

(3) The Minister may give to the Water Resources Board such directions as he considers expedient in relation to the performance of their functions.

(4) The preceding provisions of this section shall have effect without prejudice to any other provision of this Act authorising directions to be given for any purpose mentioned in that provision.

(5) Any provision of this Act conferring a power to give directions shall be construed as conferring a power to give either general or special directions; and every provision of this Act conferring a power to give directions shall be construed as imposing, on any person to whom directions are given thereunder, a duty to comply with those directions.

(6) For the purposes of subsection (1) of this section any question as to the Minister or Ministers who is or are the appropriate Minister or Ministers in relation to any transferred functions of river authorities shall be determined as if in that subsection the words from "for the purpose of securing" onwards were omitted.

**108.**—(1) If, either in consequence of a representation made to the Ministers by the Water Resources Board or otherwise, it appears to the Ministers that an inquiry should be held as to whether a river authority have failed to perform any of their functions in a case where they ought to have performed them, the Ministers may cause a local inquiry to be held. Default powers.

**PART X**

(2) If, after such an inquiry has been held, the Ministers are satisfied that the river authority have failed as mentioned in the preceding subsection, the Ministers may make an order declaring the river authority to be in default.

(3) An order under the last preceding subsection declaring a river authority (in this section referred to as "the defaulting authority") to be in default may, for the purpose of remedying the default, direct the defaulting authority to perform such of their functions as may be specified in the order and may specify the manner in which, and the time or times within which, those functions are to be performed.

(4) If the defaulting authority fail to comply with any direction contained in an order by virtue of the preceding provisions of this section, the Ministers, instead of enforcing the order by mandamus or otherwise, may make an order either—

(a) transferring to the appropriate Minister or Ministers such of the functions of the defaulting authority as they think fit, or

(b) in the case of any of the new functions of the defaulting authority, transferring any such functions to the Water Resources Board or to any other river authority whose area adjoins that of the defaulting authority or who appear to the Minister to have an interest in the performance of the functions in question in the area of the defaulting authority.

(5) Where any functions of the defaulting authority are transferred under the last preceding subsection, any expenses incurred by the transferees in performing those functions shall be paid in the first instance by the transferees; but the amount of those expenses, as certified by the appropriate Minister or Ministers, shall on demand be paid by the defaulting authority to the transferees.

(6) Any expenses which in pursuance of the last preceding subsection are required to be paid by the defaulting authority in respect of any functions transferred under this section shall be defrayed by the defaulting authority in the like manner, and shall be debited to the like account, as if the functions in question had not been transferred and the expenses had been incurred by the defaulting authority in performing them; and the defaulting authority shall have the like powers for the purpose of raising any money required in pursuance of this subsection as they would have for the purpose of raising money required for defraying expenses incurred for the purposes of the functions in question.

(7) An order under subsection (4) of this section transferring any functions of the defaulting authority may also provide for



the transfer to the same transferees of such of the property, rights, liabilities and obligations of the defaulting authority as, in the opinion of the Ministers, may be necessary or expedient; and where any such order is revoked, the Ministers may, either by the revoking order or by a subsequent order, make such provision as in their opinion is necessary or expedient with respect to any property, rights, liabilities and obligations held by the transferees for the purposes of the functions transferred.

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(8) In the application of this section to any functions of a river authority which, immediately before they were transferred to any catchment board, river board or river authority by virtue of the Land Drainage Act 1930, the River Boards Act 1948 or this Act, were functions exercisable by a navigation authority, conservancy authority or harbour authority, "the Ministers" means the Minister, the Minister of Agriculture, Fisheries and Food and the Minister of Transport acting jointly.

109.—(1) Without prejudice to any other provision of this Act whereby a local inquiry is authorised or required to be held, the Minister, the Minister of Agriculture, Fisheries and Food and the Minister of Transport, or any one or more of them, may cause a local inquiry to be held in any case where it appears to the Minister or Ministers in question to be expedient to do so in connection with any matter arising under this Act or otherwise in connection with any of the functions of river authorities. Inquiries and hearings.

(2) The provisions of subsections (2) to (5) of section 290 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 inquiry held by virtue of this Act, as if the expression "department" in that section included the Minister of Agriculture, Fisheries and Food.

(3) Subsections (4) and (5) of the said section 290 shall apply to any hearing (other than a local inquiry) before a person appointed by a Minister or Ministers in pursuance of any provision of this Act, as if that hearing were a local inquiry held by that Minister or those Ministers by virtue of that section, and as if the expression "department" in that section included the Minister of Agriculture, Fisheries and Food.

110.—(1) Every river authority shall, before such date in every year as the Ministers may fix, send to the Minister and the Minister of Agriculture, Fisheries and Food a report in respect of the preceding year, and shall at the same time send a copy of the report to the council of every county or county borough any part of which is comprised in the river authority area. Reports and accounts.

**PART X**

(2) Every report under the preceding subsection shall be in such form and contain particulars with respect to such matters as the Ministers may direct.

(3) The Water Resources Board shall, as soon as practicable after September 30th in each year, make to the Minister a report on the performance by them of their functions during the period of twelve months ending with that date.

(4) The report of the Board for any period under the last preceding subsection—

(a) shall set out any direction given to the Board by the Minister under this Act during that period, except any direction in respect of which the Minister has notified to the Board his opinion that it should be omitted in the interests of national security, and

(b) shall include a record of all questions with which the Board have been concerned during that period and which appear to the Board to be of general interest, except any question in connection with which the Minister has given a direction and has notified to the Board his opinion that the direction should be omitted from the report.

(5) The Minister shall lay before each House of Parliament a copy of every report (whether of a river authority or of the Water Resources Board) sent to him under this section.

(6) The accounts of the receipts and expenditure of river authorities and of the officers of river authorities shall be subject to audit by a district auditor.

(7) As soon as the accounts of a river authority have been audited, the authority shall send a copy of the accounts to the Minister and the Minister of Agriculture, Fisheries and Food and to the council of every county or county borough any part of which is comprised in the river authority area; and a copy of the accounts shall be kept at the office of the river authority, and any person interested shall be entitled, free of charge, to inspect and to take copies of, or extracts from, the copy of the accounts.

(8) Any person, on application to a river authority, shall be entitled to be furnished with copies of reports of a river authority under this section and of statements summarising the accounts of a river authority, on payment of such reasonable sum as the river authority may determine.

Rights of  
entry and  
inspection.

**111.**—(1) Any person duly authorised in writing by a river authority may at any reasonable time—

(a) enter upon any land for the purpose of performing any functions of the authority, whether in relation to that land or not;

(b) for the purpose of determining whether, and if so in what manner, any functions of the authority are to be performed in relation to any land, or whether any statutory provision (whether contained in or made or issued under this Act or otherwise) relating to any such functions is being or has been complied with, enter upon any land and inspect or survey the land and inspect any articles thereon.

(2) Any person duly authorised in writing by the Minister, the Minister of Agriculture, Fisheries and Food or the Minister of Transport may at any reasonable time—

(a) enter upon any land for the purpose of performing, whether in relation to that land or not, any functions conferred on any of those Ministers (whether alone or jointly with any other Minister) by any statutory provision contained in or made or issued under this Act, or any other enactment relating to land drainage, fisheries or river pollution, or any enactment relating to navigation contained in the Land Drainage Act 1930 ;

(b) for the purpose of determining whether, and if so in what manner, any such functions are to be performed in relation to any land, or whether any functions of a river authority ought to be performed, or are being or have been properly performed, enter upon any land and inspect or survey the land and inspect any article thereon.

(3) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—

(a) that admission to any land 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 occupier is temporarily absent, or that the case is one of urgency, or that an application for admission would defeat the object of the entry, and

(b) that there is reasonable ground for entry upon the land for the purpose for which entry is required,

the justice may by warrant under his hand authorise that person to enter the land, if need be by force :

Provided that such a warrant shall not be issued unless the justice is satisfied either that notice of the intention to apply for a warrant has been given to the occupier, or that the land is unoccupied, or that the occupier is temporarily absent, or that the case is one of urgency, or that the giving of such a notice would defeat the object of the entry.

**PART X**

(4) Any warrant granted under the last preceding subsection shall continue in force until the purpose for which entry is required has been satisfied.

(5) For the purposes of the functions of a river authority relating to river pollution, the preceding provisions of this section shall apply in relation to vessels as they apply in relation to land.

(6) The power conferred by subsection (1) (b) of this section shall, without prejudice to the generality of that paragraph, be exercisable in any river authority area for the purpose of inspecting any local Acts, statutory orders, awards or other documents in the possession of any body relating to functions of that body which are or have been exercisable in that area, and the person carrying out any such inspection may take copies of, or extracts from, any such documents.

Supplementary provisions as to rights of entry and inspection.

**112.**—(1) A person authorised under the last preceding section to enter upon any land or vessel shall, if so required, produce evidence of his authority before so entering.

(2) A person so authorised may take with him on to the land or vessel in question such other persons, and such equipment, as may be necessary.

(3) Admission to any land used for residential purposes, and admission with heavy equipment to any other land, shall not except in an emergency be demanded as of right under subsection (1) or subsection (2) of the last preceding section unless seven days' notice in writing of the intended entry has been given to the occupier.

(4) A person shall not by virtue of the last preceding section be entitled to enter or remain on land occupied by statutory water undertakers unless he complies with any reasonable requirements imposed by the undertakers for the purpose of protecting water against pollution; and any question arising under this subsection as to what requirements are reasonable shall, in case of dispute, be determined by the Minister, whose decision shall be final.

(5) Any person who, in the exercise of his powers under the last preceding section, enters any premises which are unoccupied, or premises of which the occupier is temporarily absent, shall leave the premises as effectually secured against trespassers as he found them.

(6) Any person who wilfully obstructs a person acting in the exercise of his powers under the last preceding section shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

(7) If—

- (a) any person who, in pursuance of the provisions of the last preceding section or of a warrant issued thereunder, is admitted into a factory, workshop or work-place discloses to any person any information obtained by him therein with regard to any manufacturing process or trade secret, or
- (b) any member or officer of a river authority, to whom any information so obtained is disclosed by reason of his official position, discloses that information to any other person,

he shall, unless the disclosure is made in the performance of his duty, be liable on summary conviction to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, or both.

(8) Where in the exercise of any power conferred by the last preceding section any damage is caused to land or to chattels, any person interested in the land or chattels shall be entitled to compensation in respect of that damage from the Minister or river authority on whose behalf the power was exercised; and where in consequence of the exercise of any such power any person is disturbed in his enjoyment of any land or chattels, he shall be entitled to compensation from the Minister or river authority in question in respect of the disturbance.

(9) Any dispute as to a right to compensation from a Minister or river authority under the last preceding subsection, or as to the amount of any such compensation, shall be determined by the Lands Tribunal; and in relation to the determination of any such dispute the provisions of sections 2 and 4 of the Land Compensation Act 1961 shall apply, subject to any necessary modifications.

**113.—(1)** A river authority shall have the right to obtain and take away samples of any effluent which is passing from any land or vessel into— Power to  
take samples  
of effluents.

- (a) any inland water in the river authority area, or
- (b) any tidal water or part of the sea not comprised in the river authority area but adjoining the coast of that area, or
- (c) any controlled waters (within the meaning of the Clean Rivers (Estuaries and Tidal Waters) Act 1960) adjoining that area, or
- (d) any underground strata in that area.

(2) Subject to the next following subsection, the result of any analysis of a sample taken under this section shall not be admissible as evidence in any legal proceedings in respect of any effluent passing from any land or vessel unless the following

**PART X** requirements are complied with, that is to say, the person taking the sample—

- (a) forthwith notifies to the occupier of the land or the owner or master of the vessel his intention to have it analysed, and
- (b) there and then divides the sample into three parts and causes each part to be placed in a container which is sealed and marked, and
- (c) delivers one part to the occupier of the land or the owner or master of the vessel, retains one part for future comparison, and, if he thinks fit to have an analysis made, submits one part to the analyst.

(3) If it is not reasonably practicable for the person taking the sample forthwith to notify to the occupier of the land or the owner or master of the vessel his intention to have it analysed, the last preceding subsection shall be construed as requiring the matters specified in paragraphs (a) to (c) thereof to be done as soon as is reasonably practicable.

(4) In relation to any legal proceedings in respect of any effluent passing from a local authority sewer into any water, subsection (2) of this section shall have effect as if the reference to the occupier of the land were a reference to the sewerage authority by whom the sewer is maintained.

(5) Any person who wilfully obstructs a person exercising a right of the river authority to obtain and take away samples by virtue of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

(6) In this section any reference to an analysis shall be construed as including a reference to any test of whatever kind, and “analysed” and “analyst” shall be construed accordingly.

**Power to  
require  
information.**

**114.—(1)** A river authority may give directions requiring any person who—

- (a) is abstracting water from a source of supply in their area, or
- (b) is discharging effluents into any such source of supply, or into any waters falling within paragraph (b) or paragraph (c) of subsection (1) of the last preceding section,

to give such information to the river authority as to the abstraction or discharge, at such times and in such form, as may be specified in the directions.

(2) In the case of a person who has applied to a river authority for any consent required by the Rivers (Prevention of Pollution) Act 1961, the information required by directions under

the preceding subsection may include any particulars prescribed by regulations under section 3 (1) of that Act.

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(3) Subject to the next following subsection, any person to whom any directions are given under this section and who considers that they are unreasonable or unduly onerous may make representations to the Minister with respect to them; and the Minister, if he thinks fit, may direct the river authority to revoke or modify them.

(4) The last preceding subsection shall not apply to any directions in so far as—

- (a) they require the giving of any such particulars as are mentioned in subsection (2) of this section, or
- (b) they require the occupier of any land to give any prescribed particulars as to the quantity or quality of water abstracted by him or on his behalf from any source of supply in the river authority area.

(5) Any person who fails to comply with any directions given by a river authority under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

**115.—**(1) Any person who—

- (a) in giving any information which he is required to give under this Act, knowingly or recklessly makes a statement which is false in a material particular, or
- (b) for the purpose of obtaining a licence under this Act or the consent of a river authority under section 72 thereof, knowingly makes a statement which is false in a material particular,

Penalties for false information and falsification of meters.

shall be guilty of an offence under this section.

(2) Where the provisions contained in a licence under this Act in pursuance of paragraph (b) of subsection (1) of section 30 of this Act, or in pursuance of that paragraph as modified by subsection (6) of that section, require the use of a meter, gauge or other device, and such a device is used for the purposes of those provisions, any person who wilfully alters or interferes with that device so as to prevent it from measuring correctly shall be guilty of an offence under this section.

(3) Any person guilty of an offence under this section shall be liable—

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

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**PART X**

Provision for  
appeals and  
references  
to tribunal.

**116.—(1)** The Minister may by order make provision for securing that, in such cases or classes of cases as may be specified in or determined under the order, appeals and references which in accordance with the provisions of this Act (apart from the order) would be appeals or references to the Minister shall lie to a tribunal established in accordance with the provisions of the order, instead of being appeals or references to the Minister.

(2) An order under this section shall not apply to references under section 38 or section 97(2) of this Act.

(3) The provisions of this Act relating to appeals or references to which an order under this section applies shall have effect, subject to such exceptions, adaptations and modifications as may be specified in the order, as they would have effect in relation to the like appeals or references if made to the Minister.

(4) Provision may be made by an order under this section for appeals or references to the tribunal to be heard and determined by one or more members of the tribunal.

(5) If a tribunal is established in accordance with this section, the Minister may pay to the members of the tribunal such remuneration, whether by way of salaries or by way of fees, and such reasonable allowances in respect of expenses properly incurred in the performance of their duties, as the Treasury may determine.

Validity of  
decisions of  
Minister and  
proceedings  
relating  
thereto.

**117.—(1)** Except as provided by the following provisions of this section, the validity of a decision of the Minister on—

(a) any appeal to the Minister under this Act, or

(b) any reference to the Minister under section 38, section 43 (6) or section 60 (4) of this Act,

shall not be questioned in any legal proceedings whatsoever.

(2) If, in the case of any such appeal or reference, the river authority or the other party thereto (that is to say, in the case of an appeal the appellant, in the case of a reference under section 38 or section 60 (4) the applicant, and in the case of a reference under section 43 (6) the holder of the licence) desires to question the validity of the decision of the Minister on the grounds—

(a) that the decision is not within the powers of this Act, or

(b) that any of the requirements of this Act or of any regulations made thereunder which are applicable to the appeal or reference have not been complied with,

the river authority or the other party, as the case may be, may, at any time within the period of six weeks beginning with the date on which the decision is made, make an application to the High Court under this section.



- (3) On any application under this section, the High Court—
- (a) may by interim order suspend the operation of the decision to which the application relates until the final determination of the proceedings ;
  - (b) if satisfied that the decision is not within the powers of this Act, or that the interests of the person making the application under this section have been substantially prejudiced by a failure to comply with any of the requirements mentioned in paragraph (b) of the last preceding subsection, may quash the decision.
- (4) In subsection (1) (b) of this section the reference to section 43 (6) of this Act shall be construed as including a reference to the said section 43 (6) as applied by section 48 of this Act ; and in relation to the said section 43 (6) as so applied, the reference in subsection (2) of this section to the holder of the licence shall be construed as a reference to the undertakers or other persons referred to in section 48 of this Act.
- (5) Any reference in this section to section 38 or section 60 (4) of this Act shall be construed as including a reference to the said section 38 or the said section 60 (4), as the case may be, as applied by any other provision of this Act.
- (6) If an order is made establishing a tribunal under the last preceding section, the preceding provisions of this section shall have effect in relation to any appeal or reference to that tribunal as they have effect in relation to an appeal or reference to the Minister.
- (7) In this section “ decision ” includes a direction.

**118.**—(1) It shall be the duty of a river authority to enforce Offences.  
the provisions of this Act in relation to the area of the authority.

(2) No proceedings for any offence under this Act shall be instituted except—

(a) by a river authority, or

(b) by, or with the consent of, the Director of Public Prosecutions.

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

(4) In this section “ director ”, in relation to a body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an

**PART X**

industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

Procedure relating to byelaws.

**119.** The provisions of Schedule 12 to this Act shall have effect with respect to byelaws made by a river authority in the exercise of powers conferred on them by any enactment, including any enactment contained in this Act.

Service of documents.

**120.—(1)** Any document required or authorised by this Act to be given to or served on any person may be given or served either by delivering it to that person, or by leaving it at his proper address, or by the recorded delivery service.

(2) Any such document required or authorised to be given to or served on a body corporate shall be duly given or served if it is given to or served on the secretary or clerk of that body.

(3) For the purposes of this section, and of section 26 of the Interpretation Act 1889 in its application to this section, the proper address of any person to or on whom any such document is to be given or served shall, in the case of the secretary or clerk of a body corporate, be that of the registered or principal office of that body, and in any other case shall be the last-known address of the person to be served:

Provided that, if the person to or on whom the document to be given or served has, in accordance with arrangements agreed, given an address in the United Kingdom for the giving or service of the document, his proper address for those purposes shall be that address.

(4) If the name or the address of any owner, lessee or occupier of land to or on whom any such document is to be given or served cannot after reasonable inquiry be ascertained by the authority, body or person seeking to give or serve the document, the document may be given or served by addressing it to the person to or on whom it is to be given or served by the description of "owner", "lessee" or "occupier" of the land (describing it) and delivering it to some responsible person resident or appearing to be resident on the land, or, if there is no such person to whom it can be delivered, affixing it, or a copy of it, to some conspicuous part of the land.

(5) Any notice which is required or authorised by or under this Act or any other enactment to be given, served or issued by or to a river authority shall be in writing.

Calculation of appropriate penny rate product.

**121.—(1)** For the purposes of this section, and of sections 7 and 87 of this Act, "the relevant area" of the council of a county or county borough means so much of the county or county borough as is (or, in relation to an order establishing, or

varying the area of, a river authority, is to be) comprised in the area of the river authority; and the appropriate penny rate product for the relevant area of any such council for the relevant year shall, for the purposes of those sections, be calculated in accordance with this section.

(2) There shall be estimated, in such manner as the Ministers may direct, the amount of the product of a rate of one penny in the pound for the relevant area of the council for the relevant year.

(3) The following amount shall be ascertained, that is to say—

(a) where the relevant area of the council is the whole of its area, the amount of the standard penny rate product for that area for the relevant year, as last notified;

(b) in any other case, the amount which bears to the standard penny rate product for the whole of the area of the council for the relevant year (as last notified) the same proportion as the product of a rate of one penny in the pound for the relevant area of the council for the relevant year (as estimated under the last preceding subsection) bears to the product (estimated in such manner as the Ministers may direct) of a rate of one penny in the pound for the whole of the area of the council for that year.

(4) The appropriate penny rate product for the relevant area of the council for the relevant year shall then be taken to be whichever is the greater of the following amounts, that is to say—

(a) the amount estimated in accordance with subsection (2) of this section, and

(b) the amount ascertained in accordance with paragraph (a) or paragraph (b) of the last preceding subsection, as the case may be.

(5) For the purposes of section 7 (5) or 7 (6) of this Act, in so far as it refers to the appropriate penny rate product for the relevant area of a county district council for the relevant year, the preceding provisions of this section shall apply as if references to the council of a county were references to the council of a county district.

(6) The Ministers may direct any river authority or any local authority to make such estimates and furnish the Ministers with such information as the Ministers require for the purposes of this section.

(7) In this section any reference to the standard penny rate product as last notified is a reference to that product as, for the purposes of section 5 of the Local Government Act 1958, it was most recently estimated and notified by the Minister to the

## PART X

council before the time when the calculation in accordance with this section falls to be made ; and “ the relevant year ”—

- (a) in section 7 of this Act, and in this section as it applies for the purposes of that section, means the latest financial year for which, at the time when the calculation falls to be made, precepts have been issued by the river board or river boards whose area or areas is or are comprised in the river authority area, or, in the case of an order varying the constitution of a river authority under section 3 or of an order under section 10 of this Act, have been issued by the river authority or river authorities to whom the order relates (excluding, in the case of an order under section 10 establishing a new river authority, that new authority) ;
- (b) in section 87 of this Act, and in this section as it applies for the purposes of that section, means the financial year for which the precepts in question are to be issued.

Rating of  
statutory  
water  
undertakers.

**122.** For the purposes of the Rating and Valuation Act 1961 water shall not be treated as supplied to statutory water undertakers by a river authority by reason only that the undertakers abstract, or are authorised to abstract, water in pursuance of a licence under this Act granted by the river authority ; and references in that Act to the supply of water in bulk shall be construed accordingly.

Application  
of Act to  
Crown.

**123.—**(1) The provisions of this Act shall not apply—

- (a) to anything done by or on behalf of the Crown, other than anything done by or on behalf of the Water Resources Board, or to anything done by a member of a visiting force in his capacity as a member of that force ;
- (b) to any land which is in the occupation of a government department or any other land in which there is a Crown or Duchy interest and which is occupied in right of that interest, or to any land occupied by or for the purposes of a visiting force.

(2) Without prejudice to the preceding subsection, no power of compulsory acquisition conferred on a river authority by or under Part VI of this Act, no other compulsory power so conferred (including any power conferred on river authorities by virtue of section 69 (3) of this Act) and no power of entry or inspection conferred by or under this Part of this Act shall, except with the consent of the appropriate authority, be exercisable in relation to any land in which there is a Crown or Duchy interest.

## PART X

(3) Subject to the preceding subsections, the provisions of this Act shall have effect in relation to land in which there is a Crown or Duchy interest as they have effect in relation to land in which there is no such interest.

(4) Nothing in this section shall affect the operation of section 5 of, or Schedule 3 to, this Act or of any statutory provision as adapted by that Schedule.

(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 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, "visiting force" means any such body, contingent or detachment of the forces of any country as is a visiting force for the purposes of any of the provisions of the Visiting Forces Act 1952, and "the appropriate authority" has the same meaning as in section 199 of the Town and Country Planning Act 1962; and the provisions of subsection (6) of that section as to the determination of questions shall apply for the purposes of this section.

**124.**—(1) The functions of the Water Resources Board, and of their officers and servants, shall be performed on behalf of the Crown.

Status of  
Water  
Resources  
Board and  
of river  
authorities.

(2) The river authorities established under this Act are not to be regarded as servants or agents of the Crown, nor as enjoying any status, immunity or privilege of the Crown, and no property of any of those river authorities is to be regarded as property of, or held on behalf of, the Crown.

**125.**—(1) The Ministers shall have power by order to make provision for conferring—

Provisions  
as to Thames,  
Lee and  
London areas.

- (a) on the Conservators, in relation to the Thames catchment area;
- (b) on the Catchment Board, in relation to the Lee catchment area;
- (c) on the Conservators or the Catchment Board or on both of them jointly, in relation to the London excluded area, or on the Conservators in relation to part of that area and on the Catchment Board in relation to the remainder thereof,

such functions corresponding to all or any of the new functions of river authorities as the Ministers may consider appropriate in the case of any of those areas.

(2) Any order under this section may include provision—

- (a) for applying, subject to such exceptions, adaptations and modifications as may be specified in the order,

**PART X**

any of the provisions of this Act, other than this section, and

- (b) for altering the constitutions of the Conservators and the Catchment Board, or either of them, in such manner as the Ministers may consider necessary or expedient,

and may contain such other transitional, incidental, supplementary and consequential provisions as the Ministers consider necessary or expedient.

(3) The preceding provisions of this section shall have effect without prejudice to the exercise of any power under section 10 of this Act—

- (a) to alter the area of any river authority so as to include the whole or any part of the Thames catchment area, the Lee catchment area or the London excluded area, or

- (b) to designate a new area, consisting of or including the whole or any part of any of those areas, and establish a new river authority for the area so designated.

(4) If an order under section 10 of this Act is made as mentioned in paragraph (a) or paragraph (b) of the last preceding subsection, then, in relation to any river authority whose area, by virtue of the order, will consist of or include the whole or any part of the Thames catchment area, the Lee catchment area or the London excluded area—

- (a) sections 6 to 8 (except subsection (6) of section 6) of this Act shall not apply, but the order shall make such provision as to the constitution of that river authority as appears to the Ministers to correspond as nearly as may be to the provisions of those sections, and

- (b) the order may provide that section 87 and (so far as applicable for the purposes of that section) section 121 of this Act, and Schedule 4 to this Act, and any other provision of this Act which refers to local authorities or any class of local authorities, shall apply subject to such exceptions, adaptations and modifications as may be specified in the order ;

and if the order is made after the making of an order under this section, the matters referred to in subsection (3) of section 10 shall (without prejudice to the generality of that subsection) be taken to include the variation of the order made under this section in consequence of the order under that section.

(5) In this section “the Ministers” means the Minister, the Minister of Agriculture, Fisheries and Food and the Minister of Transport acting jointly, “the Conservators” means the Conservators of the River Thames, “the Catchment Board”

means the Lee Conservancy Catchment Board, and "the London excluded area" means so much of the administrative county of London, and of any area adjoining that county, as at the passing of this Act is not comprised in the Thames catchment area or the Lee catchment area or in any river board area.

**126.**—(1) The functions under the Salmon and Freshwater Fisheries Acts 1923 to 1935, and the Diseases of Fish Act 1937, exercisable by the river authority whose area includes so much of the River Esk as is situated in England shall be exercisable with respect to the whole of that river, together with its banks and tributary streams up to their source, as if they were part of the area of that river authority: Provisions as to border rivers.

Provided that—

- (a) offences against those Acts committed within Scottish jurisdiction shall be prosecuted and fines recovered in manner directed by the Salmon Fisheries (Scotland) Act 1868;
- (b) nothing in this subsection shall authorise the river authority to acquire compulsorily under this Act any land in Scotland.

(2) Nothing in this Act shall be construed as authorising any river authority to exercise functions under the Acts mentioned in the preceding subsection with respect to the River Tweed.

(3) Without prejudice to the last preceding subsection, the provisions of this Act relating to the new functions of river authorities shall not apply to so much of any inland water as—

- (a) is part of the River Tweed, or
- (b) is part of the River Esk or of the River Sark or of any tributary stream of the River Esk or the River Sark at a point where either of the banks of either of those rivers or of any such tributary stream is in Scotland.

(4) In this section "the River Tweed" means the "the river" as defined by the Tweed Fisheries Amendment Act 1859 and any byelaw amending that definition.

**127.**—(1) Where a river authority area adjoins any part of Scotland, and it appears to the river authority that there may be water in watercourses or underground strata in that part of Scotland, or in the river authority area, which could be transferred from that part of Scotland to the river authority area, or from the river authority area to that part of Scotland, as the case may be, the river authority shall, in so far as they consider it appropriate to do so, consult with local water authorities, river Consultation with authorities in Scotland.

**PART X** purification authorities and other authorities in that part of Scotland with a view to securing the best use of that water in the public interest.

(2) In this section "local water authority" and "river purification authority" have the meanings assigned to them respectively by section 5 (4) of the Water (Scotland) Act 1946 and section 17 (1) of the Rivers (Prevention of Pollution) (Scotland) Act 1951.

Saving for orders under Water Act 1958.

**128.**—(1) Notwithstanding anything in section 23 or section 36 of this Act, the restrictions imposed by those sections shall not apply to the doing of anything authorised by an order under the Water Act 1958, whether made before or after the passing of this Act.

(2) For the purposes of Part V of this Act, any water authorised by such an order to be abstracted from a source of supply in a river authority area shall be treated as if it had been authorised to be so abstracted by a licence granted under this Act, whether the statutory water undertakers to whom the order relates are the holders of such a licence or not:

Provided that this subsection shall not impose any liability to pay fees under section 57 of this Act where no licence under this Act is for the time being in force.

(3) For the purposes of the Water Act 1958, any water which, in accordance with the provisions of a licence under this Act, is required to be discharged by the undertakers in question into a source of supply in a river authority area shall be deemed to be compensation water within the meaning of that Act.

Temporary provision for restricting abstraction of water for spray irrigation.

**129.**—(1) If at any time after the passing of this Act it appears to the Ministers, either on the application of a river board or river authority or without any such application, that by reason of exceptional shortage of rain it is necessary to restrict the abstraction of water for the purpose of spray irrigation, the Ministers, subject to the following provisions of this section, may make an order under this section accordingly:

Provided that no order (other than an order which only revokes a previous order) shall be made under this section after the end of the period of six months beginning with the second appointed day.

(2) Any order under this section may be made so as to apply to—

(a) one or more inland waters specified in the order, not being inland waters falling within section 2(3) of this Act, or



(b) all inland waters (other than those falling within section 2(3) of this Act) in an area specified in the order or in a part so specified of such an area,

and shall specify a period (not exceeding three months) for which any prohibition imposed by the order is to have effect.

(3) Subject to the last preceding subsection, an order under this section may provide that, during the period specified in the order in accordance with that subsection, the abstraction of water for the purpose of spray irrigation from any inland water to which the order applies—

(a) shall be wholly prohibited, or

(b) shall be prohibited subject to such exceptions as may be specified in the order in accordance with the next following subsection,

and different provision (including provision specifying different exceptions) may be made in the order in relation to different inland waters.

(4) Any exception specified in an order as mentioned in paragraph (b) of the last preceding subsection shall be formulated by reference to either or both of the following matters, that is to say—

(a) the abstraction of water on particular days specified in the order, and

(b) the abstraction of water for the purpose of spray irrigation of particular crops specified in the order, or of land which is for the time being used for particular agricultural purposes so specified, whether by reference to the growing of particular crops or otherwise.

(5) Where a river board or river authority apply to the Ministers for an order under this section, or the Ministers propose without any such application to make such an order, the river board or river authority or the Ministers, as the case may be, shall publish a notice—

(a) stating the general effect of the application or proposal, and

(b) stating that any person may, by notice in writing given to either of the Ministers within the period of seven days beginning with the date of first publication of the notice, object to the application or proposal;

and, if before the end of that period an objection is received by either of the Ministers from a person appearing to him to be affected by the application or proposal, and the objection is not withdrawn, the Ministers, before making an order, shall either cause a local inquiry to be held or shall afford to the objector,

**PART X**

and, in the case of an application by a river board or river authority, to that board or authority, an opportunity of appearing before, and being heard by, a person appointed by the Ministers for the purpose.

(6) Where the Ministers make an order under this section, they shall take such steps (whether by the publication of notices or otherwise) as they may consider most suitable for informing all persons concerned of the effect of the order.

(7) Any person who contravenes a prohibition imposed by an order under this section shall be guilty of an offence and shall, on conviction on indictment or on summary conviction, be liable to a fine:

Provided that an offence under this section shall not be punishable on summary conviction by a fine exceeding one hundred pounds.

(8) Section 118 (2) (a) of this Act shall have effect in relation to any offence under this section as if, after the word "by", there were inserted the words "the Minister, the Minister of Agriculture, Fisheries and Food, a river board or".

(9) The power to vary orders under this section shall not be exercisable so as to extend the period for which a prohibition imposed by such an order has effect beyond the end of the period of six months beginning with the date on which that prohibition came into operation.

(10) In this section any reference to the abstraction of water for the purpose of spray irrigation is a reference to the abstraction thereof either for that purpose or for purposes which include that purpose, and "area" means any river board area or river authority area.

Provisions  
as to  
telegraphic  
lines.

**130.**—(1) Where for the purpose of carrying out any engineering or building operations a river authority require an alteration to be made in any telegraphic line of the Postmaster General, the provisions of paragraphs (1) to (8) of section 7 of the Telegraph Act 1878 (which provides for the alteration of such telegraphic lines in the case of work proposed to be done in the execution of an undertaking authorised by an Act of Parliament) shall apply with respect to that alteration as being an alteration involved by work proposed to be done by undertakers (within the meaning of that Act) in the execution of an undertaking authorised by an Act of Parliament, if apart from this section those provisions would not so apply.

(2) The preceding subsection shall have effect whether the operations in question are to be carried out in the exercise of compulsory powers or not, and, if in the exercise of compulsory

powers, whether or not the alteration of the telegraphic line is expressly referred to in any statutory provision conferring those powers.

(3) In this section "telegraphic line" and "alteration" have the same meanings as in the Telegraph Act 1878.

**131.**—(1) This section applies to all inland waters owned or managed by the British Waterways Board (in this section referred to as "the Board"), except any such inland waters to which the Minister and the Minister of Transport may by order jointly direct that this section shall not apply.

Inland waters  
owned or  
managed by  
British  
Waterways  
Board.

(2) In respect of abstraction from an inland water to which this section applies—

- (a) no person other than the Board shall be entitled to apply for a licence under this Act, other than a licence of right ;
- (b) in relation to any application by the Board for a licence under this Act, other than a licence of right, section 27 of this Act shall not apply, and section 28 (1) of this Act shall apply as if paragraph (b) of that subsection were omitted ;
- (c) no person other than the Board shall be entitled to apply for a licence of right, as being entitled to it by virtue of paragraph (b) of section 33 (1) of this Act, if the water abstracted as mentioned in that paragraph was abstracted in pursuance of a contract of sale ;
- (d) on any application by the Board for a licence of right, any water abstracted during the relevant period (as defined by section 34 (1) (b) of this Act) shall be disregarded if it was abstracted in pursuance of a contract of sale which has ceased to be in force before the second appointed day.

(3) Where on the second appointed day the Board are under a contract to sell water from an inland water to which this section applies (whether the contract was made by the Board or is a contract made before the vesting date by which the Board became bound on that date), then for the purposes of sections 33 to 35 of this Act—

- (a) no person other than the Board shall be taken to be entitled to abstract from that inland water any water to which that contract relates ;
- (b) any water abstracted from it in pursuance of that contract before the second appointed day shall be treated as having been abstracted by the Board and not by any other person, and

## PART X

(c) in relation to any licence authorising the abstraction from that inland water of water required for fulfilling that contract, any reference in section 34 of this Act (except in subsection (1) (a) thereof) to the relevant statutory provision shall be construed as a reference to that contract.

(4) Where on or after the second appointed day the Board enter into a contract to sell water from an inland water to which this section applies, and either—

- (a) the contract is made before the end of the initial period, or
- (b) the Minister of Transport gives his consent under section 63 of the Transport Act 1962 to the sale of the water in pursuance of that contract, and that consent is given in pursuance of an application made (whether before or after the passing of this Act) before the end of the initial period,

section 56 (2) of this Act shall not apply, but the river authority, on the application of the Board, shall grant to the Board a licence under this Act to abstract water, containing such provisions as appear to the river authority to correspond as nearly as may be to the terms of that contract:

Provided that, if the terms of the contract provide for a person other than the Board to abstract the water, then for the purposes of this subsection the contract shall be construed as if those terms had provided for the water to be abstracted by the Board for the purpose of selling it to that other person.

(5) Sections 27 to 29, section 41 and section 54(3) of this Act shall not have effect with respect to any application made to a river authority under the last preceding subsection, and—

- (a) section 50 (2) of this Act shall not apply to any direction given in consequence of an appeal against the decision on such an application, and
- (b) section 47 of this Act shall not apply to any licence granted in pursuance of such an application.

(6) Where the Board are the holders of a licence under this Act authorising abstraction from an inland water to which this section applies, then, notwithstanding anything in section 58 of this Act, the charges which, apart from this subsection, would be payable in respect of that licence under any charging scheme either—

- (a) shall be reduced to such extent, and as so reduced shall be payable subject to such conditions, or

(b) shall not be payable, as the Board and the river authority may agree, or, in default of such agreement, the Minister and the Minister of Transport may jointly determine.

(7) Where a person other than the Board is the holder of a licence under this Act authorising abstraction from an inland water to which this section applies, and any charges in respect of that licence are payable under a charging scheme, the river authority shall pay to the Board such proportion of those charges, subject to such conditions, as the Board and the river authority may agree, or, in default of such agreement, the Minister and the Minister of Transport may jointly determine.

(8) Before making an order under subsection (1) of this section, the Minister and the Minister of Transport shall consult the Board and such one or more river authorities as appear to them to be affected by the order:

Provided that, if the order is made before the second appointed day, any consultation which in accordance with this subsection would have been had with a river authority shall be had instead with the river board (or, if more than one, each river board) whose area by virtue of section 3 of this Act is or will be identical with, or part of, the area of that river authority.

(9) In this section references to the sale by the Board of water from an inland water include references to any arrangements whereby the Board for valuable consideration abstract, or authorise the abstraction of, water from that inland water for use by some other person, whether or not the water is returned after use, and "the vesting date" has the same meaning as in the Transport Act 1962.

**132.—**(1) The provisions of this subsection shall have effect with respect to licences under this Act and with respect to applications for such licences, that is to say—

- (a) an application for such a licence, where the relevant land is land belonging to a benefice which is for the time being vacant, may be made by the Church Commissioners;
- (b) where the relevant land belongs to a benefice, any such licence shall provide that (notwithstanding anything in section 31(4) or section 37(1) of this Act) whoever is for the time being the incumbent of the benefice shall be the holder of the licence, and, where the licence so provides, section 30(4) of this Act shall not apply;
- (c) where the last preceding paragraph applies, any reference in Part IV of this Act to the applicant for a

## PART X

licence shall, in relation to any time when the benefice in question is vacant, be construed as a reference to the Church Commissioners, and, in relation to any time when there is an incumbent of the benefice, shall be construed as a reference to that incumbent ;

- (d) where a licence includes such a provision as is mentioned in paragraph (b) of this subsection, any reference in this Act, or in any charging scheme or agreement made thereunder, to the holder of the licence shall, in relation to any time when the benefice in question is vacant, be construed as a reference to the Church Commissioners ;
- (e) for the purposes of sections 33 and 35 of this Act, water abstracted by a former incumbent of a benefice shall be treated as having been abstracted by the person who is for the time being the incumbent thereof, or, if the benefice is vacant, by the Church Commissioners.

(2) Where the fee simple in any ecclesiastical property is in abeyance, it shall, for the purposes of the exercise of any powers of compulsory acquisition conferred by or under this Act, be treated as being vested in the Church Commissioners, and any notice to treat shall be served accordingly.

(3) Any sums agreed upon or awarded for the acquisition, in the exercise of any such powers, of the fee simple in land which is ecclesiastical property, or to be paid by way of compensation for damage sustained by reason of severance or injury affecting such land (being severance or injury arising from an acquisition in the exercise of any such powers), shall, instead of being paid as provided by the Lands Clauses Acts, be paid to the Church Commissioners.

(4) Any compensation falling to be paid under this Act in respect of damage to land which is ecclesiastical property shall, to the extent to which it is payable to the owner of the fee simple in the land, be paid (where the fee simple is vested in any person other than the Church Commissioners) to them, instead of to that person ; and any compensation falling to be paid under this Act in respect of depreciation of the value of the fee simple in land which is ecclesiastical property shall (where the fee simple is vested in a person other than the Church Commissioners) be paid to them instead of to the person in whom the fee simple is vested.

(5) Any sums paid under subsection (3) or subsection (4) of this section to the Church Commissioners with reference to any land shall, if the land is not consecrated, be applied by them for the purposes for which the proceeds of a sale by agreement of the fee simple in the land would be applicable

under any enactment or Measure authorising such a sale or disposing of the proceeds of such a sale, and, if the land is consecrated, be applied by them in such manner as they may determine.

(6) Where in pursuance of the provisions of Part V of this Act as modified by subsection (1)(d) of this section, or in pursuance of a charging scheme or agreement as so modified, the Church Commissioners are required to pay any fee or other charge in respect of a licence, then if any moneys then are or subsequently become payable by the Commissioners to the incumbent of the benefice in question, the Commissioners shall be entitled to retain out of those moneys an amount not exceeding the amount of that charge.

(7) Where under any provision of this Act a document is required to be served on an owner of land, and the land is ecclesiastical property, a copy of the document shall be served on the Church Commissioners:

Provided that (without prejudice to subsection (2) of this section) this subsection shall not apply where the requirement is imposed by the Acquisition of Land (Authorisation Procedure) Act 1946 as applied by any provision of this Act.

(8) In this section "benefice" means an ecclesiastical benefice of the Church of England, "ecclesiastical property" means land belonging to a benefice, or being or forming part of a church subject to the jurisdiction of the bishop of any diocese of the Church of England or the site of a church so subject, or being or forming part of a burial ground so subject, and "the relevant land", in relation to a licence under this Act or an application for such a licence, means the land on which water abstracted in pursuance of the licence is to be, or is proposed to be, used, or, in the case of a licence under section 36 of this Act or an application for such a licence, the land on which any part of the impounding works is to be, or is proposed to be, constructed or (in relation to an alteration of impounding works) the land on which any part of those works is situated or is to be, or is proposed to be, situated.

133.—(1) If it appears to the Minister that any local enactment passed or made before the second appointed day is inconsistent with any of the provisions of this Act, or with anything done in the performance of any functions under this Act, or requires to be amended or adapted, having regard to any of the provisions of this Act or to anything done in the performance of any of those functions, he may by order repeal, amend or adapt that enactment to such extent, or in such manner, as he considers appropriate.

Repeal,  
amendment  
and adaptation  
of local  
enactments.

(2) If it appears to the Minister or Ministers by whom an order is made under any provision of this Act, other than this

**PART X**

section, that any local enactment passed or made before the second appointed day is inconsistent with any of the provisions of that order, or requires to be amended or adapted, having regard to any of the provisions of that order, that Minister or those Ministers acting jointly, as the case may be, may by order repeal, amend or adapt that enactment to such extent, or in such manner, as the Minister or Ministers concerned may consider appropriate.

(3) Any order under this section may include such transitional, incidental, supplementary and consequential provisions as the Minister or Ministers making the order may consider necessary or expedient.

(4) The provisions of this section shall have effect without prejudice to the exercise of any other power to repeal, amend or adapt local enactments which is conferred by any other enactment, including any enactment contained in this Act.

**Regulations and orders.**

**134.**—(1) The Minister may make regulations under this Act for any purpose for which regulations are authorised or required to be made under this Act, not being a purpose for which regulations are authorised or required to be made by two or more Ministers jointly.

(2) Any power to make regulations under this Act shall be exercisable by statutory instrument; and any instrument containing any such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) Any power conferred by this Act to make an order shall include power to vary or revoke the order by a subsequent order.

(4) Any power to make orders under this Act shall be exercisable by statutory instrument:

Provided that this subsection does not apply to—

(a) any power exercisable by virtue of section 65 of this Act;

(b) any power exercisable by virtue of section 108 of this Act.

(5) The following orders under this Act shall be of no effect unless approved by a resolution of each House of Parliament, that is to say—

(a) any order under section 125 of this Act;

(b) any order under subsection (2) of the last preceding section, if the order first-mentioned in that subsection is an order under section 125 of this Act.

(6) Any statutory instrument containing—

(a) an order under section 3 of this Act by virtue of which the number of members (excluding additional members) of a river authority will exceed thirty-one, or



- (b) an order under section 10 of this Act which varies a previous order under that section in such a way that the number of members (excluding additional members) of a river authority will exceed thirty-one, but does not alter any river authority area or designate any new area, or
- (c) an order under section 57, under section 105 or under section 116 of this Act, or
- (d) an order under the last preceding section,

shall be subject to annulment in pursuance of a resolution of either House of Parliament:

Provided that this subsection shall not apply to any order which, by virtue of paragraph (b) of the last preceding subsection, is required to be approved by a resolution of each House of Parliament.

**135.**—(1) In this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:— Interpretation.

“abstraction”, in relation to water contained in any source of supply in a river authority area, means the doing of anything whereby any of that water is removed from that source of supply and either—

(a) ceases (either permanently or temporarily) to be comprised in the water resources of that area, or

(b) is transferred to another source of supply in that area,

and “abstract” shall be construed accordingly;

“additional members”, in relation to a river authority, has the meaning assigned to it by section 8 of this Act;

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly;

“charging scheme” has the meaning assigned to it by section 58 of this Act;

“conservancy authority” means a person or body of persons (whether corporate or unincorporate) having a duty or power imposed or conferred by or under an

## PART X

enactment to conserve, maintain or improve the navigation of a tidal water, and not being a navigation authority or a harbour authority ;

“constituent council” has the meaning assigned to it by section 6 (7) of this Act ;

“engineering or building operations” (without prejudice to the generality of that expression) includes the construction, alteration, improvement or maintenance of any reservoir, watercourse, dam, weir, well, borehole or other works, the closure or removal of any reservoir, watercourse, dam, weir, well, borehole or other works, the construction, alteration, improvement, maintenance or demolition of any building or structure, and the installation, modification or removal of any machinery or apparatus ;

“financial year” means a period of twelve months ending with the 31st March ;

“first appointed day” has the meaning assigned to it by section 3 (4) of this Act ;

“functions” includes powers and duties ;

“harbour authority” means a person or body of persons (whether corporate or unincorporate) who, not being a navigation authority, is or are a harbour authority as defined by section 3 (5) of the Oil in Navigable Waters Act 1955 ;

“hydrometric scheme” has the meaning assigned to it by section 15 of this Act ;

“initial period” has the meaning assigned to it by section 23 (1) of this Act ;

“inland water” means any of the following, that is to say—

(a) so much of any river, stream or other watercourse, whether natural or artificial and whether tidal or not, as is within any of the river authority areas ;

(b) any lake or pond, whether natural or artificial, and any reservoir or dock, in so far as any such lake, pond, reservoir or dock does not fall within the preceding paragraph and is within any of the river authority areas ; and

(c) so much of any channel, creek, bay, estuary or arm of the sea as does not fall within the preceding paragraphs and is within any of the river authority areas,

and any reference in this Act to an inland water includes a reference to part of an inland water ;

- “ joint planning board ” has the same meaning as in the Town and Country Planning Act 1962 ;
- “ land ” includes land covered by water ;
- “ land drainage ” includes the protection of land against erosion or encroachment by water, whether from inland waters or from the sea, and also includes warping and irrigation other than spray irrigation ;
- “ licence of right ” has the meaning assigned to it by section 33 (7) of this Act ;
- “ local authority ” means the council of a county, county borough or county district or a joint planning board ;
- “ local authority members ”, in relation to a river authority, has the meaning assigned to it by section 7 of this Act ;
- “ local enactment ” means a local or private Act, a public general Act relating to London, an order or scheme made under an Act or confirmed by Parliament or brought into operation in accordance with special parliamentary procedure, or an enactment in a public general Act amending a local or private Act or any such order or scheme ;
- “ the Minister ” means the Minister of Housing and Local Government ;
- “ the Ministers ” shall be construed in accordance with section 1 (2) of this Act ;
- “ mortgage ” includes any charge or lien on any property for securing money or money’s worth, and “ mortgagee ” shall be construed accordingly ;
- “ navigation authority ” means a person or body of persons (whether corporate or unincorporate) having a duty or power imposed or conferred by or under an enactment to manage or maintain a canal, whether navigable or not, or to manage or maintain an inland navigation other than a canal, whether natural or artificial and whether tidal or not ;
- “ new functions ” has the meaning assigned to it by section 3 (5) of this Act ;
- “ owner ” in relation to land, means a person, other than a mortgagee not in possession, who, whether in his own right or as trustee or agent for any other person, is entitled to receive the rack rent of the land, or, where the land is not let at a rack rent, would be so entitled if it were so let ;
- “ pension ”, in relation to any person, means a pension, whether contributory or not, of any kind whatsoever payable to or in respect of him, and includes a gratuity so payable and a return of contributions, with or without interest thereon or any other addition thereto ;

## PART X

- “ performance ”, in relation to functions, includes the exercise of powers as well as the performance of duties, and “ perform ” shall be construed accordingly ;
- “ prescribed ” (except where it is otherwise expressly provided) means prescribed by regulations made under this Act by the Minister ;
- “ rainfall ” includes any fall of snow, hail or sleet ;
- “ re-distribution ”, in relation to water resources in an area, means the transfer of any such resources from a source of supply in that area to another source of supply within that area, and “ re-distribute ” shall be construed accordingly ;
- “ repeal ”, in relation to a local enactment not contained in an Act, means revoke ;
- “ second appointed day ” has the meaning assigned to it by section 3 (4) of this Act ;
- “ source of supply ” has the meaning assigned to it by section 2 (1) of this Act ;
- “ spray irrigation ” means the irrigation of land or plants (including seeds) by means of water or other liquid emerging (in whatever form) from apparatus designed or adapted to eject liquid into the air in the form of jets or spray ;
- “ statutory provision ” means a provision, whether of a general or a special nature, contained in, or in any document made or issued under, any Act, whether of a general or a special nature ;
- “ statutory water undertakers ” has the same meaning as in the provisions of the Water Act 1945, other than Part II of that Act ;
- “ transferred functions ” has the meaning assigned to it by section 3 (5) of this Act ;
- “ underground strata ” means strata subjacent to the surface of any land, and (subject and without prejudice to section 2 (2) of this Act) any reference to water contained in any underground strata is a reference to water so contained otherwise than in a sewer, pipe, reservoir, tank or other underground works constructed in any such strata ;
- “ water resources ” has the meaning assigned to it by section 2 of this Act ;
- “ watercourse ” includes all rivers, streams, ditches, drains, cuts, culverts, dykes, sluices, sewers and passages through which water flows, except—
- (a) mains and water fittings within the meaning of Schedule 3 to the Water Act 1945 ;

- (b) local authority sewers ; and
- (c) any such adit or passage as is mentioned in section 2 (2) (a) of this Act.

(2) In this Act “ the appropriate Minister or Ministers ”, in relation to anything required or authorised to be done by or for the purposes of any provision of this Act, means such one or more of the three Ministers mentioned in section 1 (2) of this Act as is or are concerned with the functions in relation to which, or for the purposes of which, that thing is required or authorised to be done, and, where it means either two or all three of those Ministers, means the Ministers in question acting jointly ; and for the purposes of this subsection—

- (a) the Minister shall be taken to be concerned with the new functions of river authorities and with functions relating to river pollution ;
- (b) the Minister of Agriculture, Fisheries and Food shall be taken to be concerned with functions relating to land drainage and functions relating to fisheries ; and
- (c) the Minister of Transport shall be taken to be concerned with functions relating to navigation or functions of navigation authorities, harbour authorities or conservancy authorities.

(3) In this Act “ local authority sewer ” means any sewer, or part of a sewer, vested in a sewerage authority, and “ sewerage authority ” means any of the following, that is to say :—

- (a) a local authority (as defined by subsection (1) of this section) ;
- (b) a joint sewerage board (as defined by section 90 (1) of the Public Health Act 1936) ;
- (c) a harbour board (within the meaning of the Railway and Canal Traffic Act 1888) ;
- (d) a development corporation (within the meaning of the New Towns Act 1946) ; or
- (e) the Commission for the New Towns.

(4) Any reference in this Act to action for the purpose of augmenting water resources in an area shall (without prejudice to the generality thereof) be construed as including action for the purpose of treating salt water (whether taken from the sea or elsewhere) by any process for removing salt or other impurities before discharging it into a source of supply in that area.

(5) For the purposes of any provision of this Act relating to existing lawful uses of an inland water, or of water from underground strata, a river authority shall be entitled (but shall

**PART X**

not be bound) to treat as lawful any existing use thereof unless, by a decision given in any legal proceedings, it has been held to be unlawful, and that decision has not been quashed or reversed.

(6) Any reference in this Act to the doing of anything in pursuance of a licence under this Act is a reference to its being done—

(a) by the holder of such a licence, or

(b) by a person acting as a servant or agent of, or otherwise under the authority of, the holder of such a licence,

at a time when that licence is in force and in circumstances such that, if no such licence were in force, the doing of that thing would contravene a restriction imposed by section 23 or section 36 of this Act.

(7) For the purposes of this Act land shall be taken to be contiguous to an inland water notwithstanding that the land is separated from it by a towpath or by any other land used, or acquired for use, in connection with the navigation of the inland water, if that other land does not comprise any building or works other than a lock, pier, wharf, landing-stage or similar works.

(8) Except in so far as this Act otherwise expressly provides, and subject to the provisions of section 33 of the Interpretation Act 1889 (which relates to offences under two or more laws) the restrictions imposed by sections 23, 36, 72 and 78 of this Act, or by byelaws made by virtue of section 79 of this Act, shall not be construed as—

(a) conferring a right of action in any civil proceedings (other than proceedings for the recovery of a fine) in respect of any contravention of those restrictions, or

(b) affecting any restriction imposed by or under any other enactment, whether contained in a public general Act or in a local or private Act, or

(c) derogating from any right of action or other remedy (whether civil or criminal) in proceedings instituted otherwise than under this Act.

(9) 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.

**Amendments and repeals.**

**136.**—(1) The enactments specified in Parts I to III of Schedule 13 to this Act shall have effect subject to the amendments specified in those Parts of that Schedule, being minor amendments or amendments consequential on the preceding provisions of this Act:

Provided that this subsection shall have effect subject to the provisions of Part IV of that Schedule, and to the following provisions of this section.

(2) Subject to the following provisions of this section, the enactments specified in Schedule 14 to this Act are hereby repealed to the extent specified in relation thereto in the third column of that Schedule:

Provided that—

- (a) the repeal of the enactments specified in Part I of that Schedule shall not have effect until the second appointed day;
- (b) the repeal of the enactments specified in Part II of that Schedule shall not have effect until the end of the initial period.

(3) The repeal by virtue of this section of section 5 of the River Boards Act 1948 shall not affect any determination under subsection (2) of that section made by the Minister of Agriculture, Fisheries and Food before the second appointed day; and any such determination in force immediately before that day with respect to the area of a river board shall, until superseded by any subsequent determination under section 9 (2) of this Act, have effect as from that day as a determination by that Minister under the said section 9 (2) with respect to the area of the river authority to whom, by virtue of section 5 of this Act, the functions of that river board relating to fisheries are transferred.

(4) The repeal of the enactments specified in Part II of Schedule 14 to this Act—

- (a) shall not affect the operation of any statutory provision made or issued by virtue of any of those enactments before the end of the initial period, whether before or after the passing of this Act, and
- (b) shall not prevent the making or issuing of any such statutory provision in pursuance of an application made to a Minister before the end of that period, whether before or after the passing of this Act, or otherwise affect any proceedings in consequence of such an application.

(5) Section 100 of this Act shall have effect in relation to any amendment or repeal effected by this section as it has effect in relation to the transfer of functions mentioned in that section.

(6) The amendment or repeal of any enactment by virtue of this section shall not affect the operation of that enactment in relation to the Thames catchment area, the Lee catchment

**PART X** area or the London excluded area (as defined by section 125 (5) of this Act):

Provided that—

- (a) this subsection shall have effect without prejudice to the exercise, in relation to any such amendment or repeal, of the power conferred by section 125 (2) of this Act ;
- (b) if an order under section 10 of this Act is made as mentioned in paragraph (a) or paragraph (b) of section 125 (3) of this Act, any such amendment or repeal shall be included among the provisions which may be applied by the order as mentioned in section 125 (4) (b) of this Act.

**Short title  
and extent.**

**137.—**(1) This Act may be cited as the Water Resources Act 1963.

(2) This Act, except—

- (a) sections 93 (3) and 126 thereof and paragraph 4 of Schedule 6 thereto, and
- (b) any provision of this Act in so far as it affects the operation of the enactments mentioned in section 126 (1) of this Act in accordance with that subsection or in so far as it affects the operation of the Border Rivers (Prevention of Pollution) Act 1951,

shall not extend to Scotland.

(3) This Act (except paragraph 4 of Schedule 6) shall not extend to Northern Ireland.



## SCHEDULES

## SCHEDULE 1

Section 3

## RIVER AUTHORITIES

| No. | Names of river authorities                    | River board areas                                                                        |
|-----|-----------------------------------------------|------------------------------------------------------------------------------------------|
| 1   | The Northumbrian River Authority.             | The Northumberland and Tyneside River Board area and the Wear and Tees River Board area. |
| 2   | The Yorkshire Ouse and Hull River Authority.  | The Hull and East Yorkshire River Board area and the Yorkshire Ouse River Board area.    |
| 3   | The Trent River Authority.                    | The Trent River Board area.                                                              |
| 4   | The Lincolnshire River Authority.             | The Lincolnshire River Board area.                                                       |
| 5   | The Welland and Nene River Authority.         | The Welland River Board area and the Nene River Board area.                              |
| 6   | The Great Ouse River Authority.               | The Great Ouse River Board area.                                                         |
| 7   | The East Suffolk and Norfolk River Authority. | The East Suffolk and Norfolk River Board area.                                           |
| 8   | The Essex River Authority.                    | The Essex River Board area.                                                              |
| 9   | The Kent River Authority.                     | The Kent River Board area.                                                               |
| 10  | The Sussex River Authority.                   | The East Sussex River Board area and the West Sussex River Board area.                   |
| 11  | The Hampshire River Authority.                | The Hampshire River Board area.                                                          |
| 12  | The Isle of Wight River Authority.            | The Isle of Wight River Board area.                                                      |
| 13  | The Avon and Dorset River Authority.          | The Avon and Dorset River Board area.                                                    |
| 14  | The Devon River Authority.                    | The Devon River Board area.                                                              |
| 15  | The Cornwall River Authority                  | The Cornwall River Board area.                                                           |
| 16  | The Somerset River Authority                  | The Somerset River Board area.                                                           |
| 17  | The Bristol Avon River Authority.             | The Bristol Avon River Board area.                                                       |
| 18  | The Severn River Authority.                   | The Severn River Board area.                                                             |
| 19  | The Wye River Authority.                      | The Wye River Board area.                                                                |
| 20  | The Usk River Authority.                      | The Usk River Board area.                                                                |
| 21  | The Glamorgan River Authority.                | The Glamorgan River Board area.                                                          |
| 22  | The South West Wales River Authority.         | The South West Wales River Board area.                                                   |
| 23  | The Gwynedd River Authority                   | The Gwynedd River Board area.                                                            |

## SCH. 1

| No. | Names of river authorities             | River board areas                                              |
|-----|----------------------------------------|----------------------------------------------------------------|
| 24  | The Dee and Clwyd River Authority.     | The Dee and Clwyd River Board area.                            |
| 25  | The Mersey and Weaver River Authority. | The Mersey River Board area and the Cheshire River Board area. |
| 26  | The Lancashire River Authority.        | The Lancashire River Board area.                               |
| 27  | The Cumberland River Authority.        | The Cumberland River Board area.                               |

## Section 3

## SCHEDULE 2

## SEAWARD BOUNDARIES OF RIVER AUTHORITY AREAS

1.—(1) Except as otherwise provided by this Schedule, the seaward boundary of a river authority area shall be low-water mark on the coast of the area.

(2) In this Schedule “low-water mark” means low-water mark of ordinary spring tides.

2.—(1) Subject to any order made under this Schedule, where a river, stream or other watercourse, whether natural or artificial and whether tidal or not, or any creek in so far as it does not form part of such a watercourse, discharges into the sea, the whole of the mouth of the watercourse within a line from low-water mark at the seaward extremity of one bank to low-water mark at the seaward extremity of the other bank, or the whole of the creek within such a line, as the case may be, shall form part of a river authority area, and, if both banks are in the same river authority area, shall form part of that river authority area.

(2) In this paragraph “the sea” includes any bay, estuary or arm of the sea.

3. Where the entrance to a dock is on the coast, the whole of the dock shall form part of a river authority area, and, if both sides of the dock are in the same river authority area, shall form part of that river authority area.

4. Where paragraph 2 or paragraph 3 of this Schedule applies, but the banks of the watercourse or creek or the sides of the dock, as the case may be, are in different river authority areas, the Minister may by order determine in which river authority area any part of the watercourse, creek or dock is to be comprised.

5.—(1) Without prejudice to the last preceding paragraph, the Minister may by order designate any tidal waters and direct that those waters, in so far as they are below low-water mark,—

(a) shall be included in a river authority area specified in the order, or

(b) shall be excluded from a river authority area so specified or (if the order so provides) shall be excluded from all the river authority areas.

(2) Any tidal waters which, by virtue of an order under this paragraph, are included in a river authority area shall by virtue of the order be excluded from any other river authority area, if apart from the order they would form part of that other area.

(3) Any tidal waters designated by an order under this paragraph shall be so designated by reference to a map; and where by any such order it is proposed to designate any tidal waters for the purpose only of excluding them from a river authority area, or from all river authority areas, those waters may, if the Minister considers it appropriate to do so, be designated as being all tidal waters which, in so far as they are below low-water mark, lie to seaward of a line specified in the order by reference to a map.

6. Before making an order under this Schedule, the Minister shall prepare a draft order, and shall cause a notice to be published—

- (a) stating the general effect of the order;
- (b) specifying the places where copies of the draft order and of any map to which it refers may be inspected by any person free of charge at all reasonable times during the period of twenty-eight days beginning with the date on which the notice is first published in a newspaper other than the London Gazette; and
- (c) stating that any person may within that period, by notice in writing to the Minister, object to the making of the order.

7.—(1) The places to be specified in a notice in accordance with sub-paragraph (b) of the last preceding paragraph are—

- (a) the principal office of every river board whose area includes any part of the relevant coast, and
  - (b) the office of every county or county borough council whose area includes any part of the relevant coast.
- (2) In this paragraph “the relevant coast”—
- (a) in relation to an order under paragraph 4 of this Schedule, means the coast which comprises the part of the river, stream or other watercourse, or the creek or dock, to which the order relates, and
  - (b) in relation to an order under paragraph 5 of this Schedule, means the coast adjoining the tidal waters designated in the draft order.

8. A notice under paragraph 6 of this Schedule shall be published in the London Gazette and at least once in each of two successive weeks in one or more newspapers (other than the London Gazette) circulating in the area of each river board whose principal office is required to be specified in the notice in accordance with sub-paragraph (b) of that paragraph.

9. If, before the end of the period of twenty-eight days referred to in paragraph 6(b) of this Schedule, notice in writing of an objection is received by the Minister, and the objection is not withdrawn, the Minister, before making the order, shall afford to the objector an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

## SCH. 2

10. Subject to the last preceding paragraph, the Minister may make the order either in the form of the draft or in that form as altered in such manner as he may think fit :

Provided that the order shall not be made so as to include in a river authority area any tidal waters which would have been outside all the river authority areas if the order had been made in the form of the draft order.

11. Where an order is made under this Schedule, the Minister shall cause a notice to be published—

- (a) stating that the order has been made, either in the form of the draft order or with alterations specified in the notice, as the case may be, and
- (b) specifying the places where copies of the order and of any map to which it refers may be inspected by any person free of charge at all reasonable times during the period mentioned in sub-paragraph (1) of the next following paragraph.

12.—(1) The period referred to in sub-paragraph (b) of the last preceding paragraph is the period beginning with the date on which the notice is first published in a newspaper other than the London Gazette and ending with the earliest date by which the Ministers have sent to each of the river authorities concerned a map as required by section 11(1) of this Act.

(2) The places to be specified in a notice under the last preceding paragraph in the case of an order shall be the places specified in the notice published in relation to the draft of that order in accordance with paragraph 6 of this Schedule.

(3) A notice under the last preceding paragraph shall be published in the London Gazette and at least once in each of two successive weeks in one or more newspapers (other than the London Gazette) circulating in the area of each river board whose principal office is included among the places to be specified as mentioned in the last preceding sub-paragraph.

(4) In this paragraph “river authority concerned” means a river authority established under section 3 of this Act whose area includes any part of the relevant coast (as defined by paragraph 7(2) of this Schedule).

13.—(1) If any person desires to question the validity of an order under this Schedule on the grounds that it is not within the powers of this Act, or that any requirements of this Act have not been complied with in relation to the order, he may, within six weeks after the first publication of the notice required by paragraph 11 of this Schedule, make an application for the purpose to the High Court; and if any such application is duly made, the court, if satisfied that the order is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by a failure to comply with any of the requirements of this Act in relation to the order, may quash the order either generally or in so far as it affects the applicant.

(2) Except as provided by the preceding sub-paragraph, the validity of an order under this Schedule shall not, either before or after the order has been made, be questioned in any legal proceedings whatsoever.

SCH. 2

14. Nothing in this Schedule or in any order made thereunder shall affect the extent of a river authority area for the purposes of the enactments relating to land drainage, fisheries or river pollution, or for the purposes of any order, scheme, regulation, award or byelaw made by virtue of any such enactment.

### SCHEDULE 3

Section 5

#### ADAPTATION OF STATUTORY PROVISIONS IN CONSEQUENCE OF TRANSFER OF FUNCTIONS

##### *Introductory*

1. The provisions of this Schedule shall have effect as from the second appointed day.

2. In this Schedule "the appropriate river authority", in relation to a river board, means the river authority in relation to which the area of that river board is specified, or is one of those specified, in the third column of Schedule 1 to this Act, and "the appropriate river authority area" shall be construed accordingly.

3. Where, by virtue of Schedule 3 to the River Boards Act 1948 (which provided for the application of enactments to river board areas) the provisions of any enactment, order, scheme, award or byelaw were to have effect, or to be construed, as if they referred, or included references, to river boards or their areas generally, or to a particular river board or the area of a particular river board, those provisions shall be treated for the purposes of this Schedule as having been amended accordingly by the said Act of 1948.

##### *General adaptation of statutory provisions*

4. Subject to the following provisions of this Schedule, all enactments, orders, schemes, regulations, awards and byelaws passed or made before the second appointed day, whether before or after the passing of this Act, shall have effect subject to the following adaptations:—

- (a) general references to a river board or a river board area shall be construed as references to a river authority or a river authority area, as the case may be;
- (b) references to a particular river board or a particular river board area shall be construed as references to the appropriate river authority or the appropriate river authority area, as the case may be:

Provided that sub-paragraph (b) of this paragraph shall not affect the construction of any reference to a particular river board area where the appropriate river authority area comprises that river board area together with the area of another river board.

## SCH. 3

*Special provisions relating to land drainage*

5.—(1) The provisions of the Land Drainage Act 1930 specified in the next following sub-paragraph shall not apply to any river authority or river authority area, but without prejudice to their application (so far as applicable) to the drainage board of any internal drainage district.

(2) The said provisions are section 1 (except subsection (3) thereof), subsections (1) to (3) of section 2, sections 3, 5, 12, 15 and 20, section 22 (so far as it applies to councils of counties and county boroughs) sections 43, 45 and 46, subsections (2) to (7) of section 47, section 48, subsections (1), (2), (3) and (5) of section 49, sections 72, 73, 75, 78 and 79, section 80 (except subsection (5) thereof) and Schedule 1.

6.—(1) Section 4 of the Land Drainage Act 1930 shall have effect as if subsection (1) thereof empowered a river authority at any time, and required them on the direction of the Minister of Agriculture, Fisheries and Food, to submit to that Minister for confirmation a scheme making provision for any of the matters referred to in that subsection, and as if the reference in the said subsection to the commencement of that Act were a reference to the date of the submission of the scheme.

(2) Section 23 of the said Act of 1930 shall have effect as if the references therein to Part IV of that Act were references to this Act.

(3) Section 76 of the said Act of 1930 shall have effect as if the reference therein to Part V of that Act were a reference to this Act.

7. Section 18 of the Agriculture (Miscellaneous War Provisions) Act 1940 shall not apply to a river authority.

*Special provisions relating to fisheries*

8. No order shall be made under Part IV of the Salmon and Freshwater Fisheries Act 1923 setting up any fishery board for a district included in a river authority area, but an order may be made thereunder providing for the regulation of fisheries by a river authority in the whole or any part of their area, and, in relation to any such order,—

(a) section 38 (1) (a) of the said Act shall have effect as if the words “of the fishery district” were omitted, and paragraphs (b), (g) and (h) of section 38 (1), and section 38 (4), shall not apply ;

(b) references in the said section 38, in the next following section, and in Schedule 2 to that Act, to the fishery board constituted by the order shall be construed as references to the river authority ; and

(c) section 41 of that Act shall not apply to a river authority.

9.—(1) The provisions of the said Act of 1923 specified in the next following sub-paragraph shall not apply to river authorities and river authority areas.

(2) The said provisions are section 43, sections 45 to 53, subsection (1) (a) and subsection (2) of section 54, sections 56 to 58, section 60, section 65 (2), sections 66, 68 and 88, and Schedule 3.

SCH. 3

10. In section 64 (1) of the said Act of 1923, references to water bailiffs appointed under that Act shall be construed as references to water bailiffs appointed under this Act, and references in subsequent provisions of that Act to water bailiffs shall be construed accordingly; and the words in section 67 (4) of that Act "purporting to be executed in the manner prescribed in this Act" shall not apply to water bailiffs appointed under this Act.

11. Section 81 of the said Act of 1923 shall, so far as it relates to byelaws, not apply to river authorities.

## SCHEDULE 4

Section 6.

## PROVISIONS AS TO RIVER AUTHORITIES

*Corporate status of river authorities*

1. A river authority shall be a body corporate with perpetual succession and a common seal.

*Terms of office of members of river authorities*

2.—(1) This paragraph applies to the members of a river authority other than any additional member appointed by virtue of section 8 (4) of this Act and any local authority member appointed under subsection (5) of that section by reason of the appointment of such an additional member.

(2) The first members to whom this paragraph applies shall come into office on the day on which the authority comes into existence, or, in the case of a member who is for any reason appointed after that day, on the day on which the appointment is made, and, subject to the following provisions of this Schedule, shall hold office until the end of October in such year as may be specified for the purposes of this paragraph in the order establishing the authority.

(3) Any other members to whom this paragraph applies shall come into office at the beginning of the November next following the day on which they are appointed, and, subject to the following provisions of this Schedule, shall hold office for a term of three years:

*Provided* that if for any reason any 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.

(4) Where the constitution of the authority is varied by an order made under section 3 or section 10 of this Act, any members to whom this paragraph applies who are required by or under the order to vacate their office shall do so notwithstanding the preceding provisions of this paragraph, and any new members of the authority appointed to give effect to the variation shall hold office so long only as the remaining members to whom this paragraph applies will hold office.

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SCH. 4

3. Any additional member of a river authority appointed by virtue of section 8 (4) of this Act—

- (a) shall come into office on the first day of the year for which the drainage charge in question is raised, or (if later) the day of his appointment, and
- (b) subject to the following provisions of this Schedule, shall hold office until the expiry of the terms of office of members of the authority to whom the preceding paragraph applies, except that, if for any year beginning within that period neither a general nor a special drainage charge is raised by the authority, he shall cease to hold office at the end of the preceding year ;

and any local authority member appointed under section 8 (5) of this Act by reason of the appointment of such an additional member shall come into office on the day on which the additional member comes into office, or, (if later) the day of his appointment, and, subject to the following provisions of this Schedule, shall hold office for so long as the additional member holds office.

*Vacation of office by members of river authorities*

4. A member of a river authority may resign his office at any time by notice in writing under his hand given to the chairman of the authority.

5.—(1) A member of a river authority shall vacate his office if he—

- (a) is adjudged bankrupt, or makes a composition or arrangement with his creditors ; or
- (b) is surcharged to an extent exceeding five hundred pounds at any audit by a district auditor (whether or not the audit relates to the accounts of the river authority) ; or
- (c) is convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence, and ordered to be imprisoned for a period of not less than three months without the option of a fine ; or
- (d) has, for a period of six consecutive months, been absent from meetings of the river authority, otherwise than by reason of illness or some other cause approved during that period by the river authority.

(2) For the purposes of head (d) of the preceding sub-paragraph, the attendance of a member of a river authority at a meeting of any committee of the authority of which he is a member, or of any joint committee to which he has been appointed by the authority, shall be treated as attendance at a meeting of the river authority.

*Appointments to fill casual vacancies*

6.—(1) Where, for any reason whatsoever, the place of a member of a river authority becomes vacant before the end of his term of office, the vacancy—

- (a) shall, if the unexpired portion of the term of office of the vacating member is six months or more, be filled by the appointment under this paragraph of a new member, and
- (b) may be so filled in any other case.



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(2) Subject to the next following sub-paragraph, an appointment made under this paragraph in respect of any vacancy shall be made by the Minister of the Crown, councils or council, or other body, by whom the vacating member was appointed, or, if the vacating member was appointed jointly by any councils and they are unable to agree on an appointment, by the Ministers on behalf of those councils; and where the vacating member was appointed from amongst persons nominated by any council, the new member shall be appointed similarly.

(3) Where the vacating member was appointed by the Ministers on behalf of any councils, the new member shall be appointed by the councils in question jointly, or, if those councils are unable to agree on an appointment, by the Ministers on their behalf.

7. A person appointed under the last preceding paragraph to fill a casual vacancy shall hold office so long only as the vacating member would have held office.

*Disqualification for, and re-appointment to, membership of river authorities*

8.—(1) Subject to the following provisions of this paragraph, a person shall be disqualified for appointment as a member of a river authority if he—

- (a) is a paid officer or servant of the authority; or
- (b) has been adjudged bankrupt, or has made a composition or arrangement with his creditors; or
- (c) has, within the period of five years ending on the date on which his qualification for appointment falls to be determined, been surcharged to an extent exceeding five hundred pounds at any audit by a district auditor; or
- (d) has, within that period, been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence, and ordered to be imprisoned for a period not less than three months without the option of a fine.

(2) For the purposes of head (a) of the preceding sub-paragraph, a person shall not be regarded as a paid officer or servant of a river authority by reason only that expenses incurred by him in the performance of his duties are defrayed by the authority.

(3) The disqualification attaching to a person under head (b) of sub-paragraph (1) of this paragraph by reason of his having been adjudged bankrupt shall cease—

- (a) if the bankruptcy is annulled, either on the ground that he ought not to be adjudged bankrupt, or on the ground that his debts have been paid in full, on the date of the annulment; or
- (b) if he is discharged with a certificate that the bankruptcy was caused by misfortune without any misconduct on his part, on the date of his discharge; or
- (c) in any other case, on the expiry of five years from the date of his discharge.

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(4) The disqualification attaching to a person under that head by reason of his having made a composition or arrangement with his creditors shall cease—

(a) if he pays his debts in full, on the date on which the payment is completed ; or

(b) in any other case, on the expiry of five years from the date on which the terms of the deed of composition or arrangement are fulfilled.

(5) For the purposes of heads (c) and (d) of sub-paragraph (1) of this paragraph, the ordinary date on which the period allowed for making an appeal or application with respect to the surcharge or conviction expires or, if such an appeal or application is made, the date on which it is finally disposed of, or abandoned, or fails by reason of the non-prosecution thereof, shall be taken to be the date of the surcharge or conviction, as the case may be.

9. Subject to the provisions of this Schedule, a vacating member of a river authority shall be eligible for re-appointment.

*First meetings of river authorities*

10. The first meeting of a river authority shall be held on such day, and at such time and place, as may be appointed by the Ministers, and the Ministers shall make arrangements for notice of the meeting to be sent by post to each member of the authority not less than fourteen days before the day so appointed.

*Appointment of committees*

11.—(1) Every river authority shall appoint a finance committee for regulating and controlling the finance of the authority.

(2) A river authority may appoint a committee for any such general purpose as in the opinion of the authority would be better regulated and managed by means of a committee.

(3) A river authority may delegate to a committee appointed under this paragraph, with or without restrictions or conditions, as they think fit, any of the functions of the authority except their power to issue precepts or borrow money.

12. A river authority may concur with any one or more other river authorities in appointing a joint committee of those authorities for any purpose in which they are jointly interested, and may delegate to the committee, with or without restrictions or conditions, as they think fit, any of the functions of the river authority relating to the purpose for which the joint committee is formed, except their powers to issue precepts or borrow money.

*Members of committees*

13.—(1) The number of members of a committee appointed under paragraph 11 or paragraph 12 of this Schedule, and the terms of office of the members thereof, shall be fixed by the river authority or authorities by whom the committee is appointed.

(2) The persons appointed by a river authority to be members of any such committee shall in the case of a finance committee or joint committee be members of the river authority, but may in any other case include, to a number not exceeding one-third of the total number of members of the committee, persons who are not members of the river authority.

(3) A person who is disqualified under paragraph 8 of this Schedule for being a member of a river authority shall be disqualified for being a member of any committee appointed under this Schedule.

(4) Every member of a committee appointed under this Schedule who, at the time of his appointment, was a member of the river authority by whom he was appointed shall, upon ceasing to be a member of that authority, also cease to be a member of the committee:

Provided that for the purposes of this provision a member of a river authority shall not be deemed by reason of retirement to have ceased to be a member of the authority if he has been reappointed a member thereof not later than the day of his retirement.

*Proceedings of river authorities and committees*

14. The proceedings of a river authority, or of any committee appointed under this Schedule, shall not be invalidated by any vacancy in their number or by any defect in the appointment, or the qualification for appointment, of any person as a member, or as chairman or vice-chairman, of the authority or committee.

15.—(1) A river authority may make rules with respect to—

- (a) the proceedings (including quorum, place of meeting and notices to be given of meetings) of the authority or any committee appointed by the authority under paragraph 11 of this Schedule, and
- (b) the appointment of a chairman and a vice-chairman of the authority or any such committee.

(2) The powers conferred by the preceding sub-paragraph may be exercised in relation to a joint committee appointed under paragraph 12 of this Schedule by the river authorities by which the committee was appointed.

(3) Subject to rules made under this paragraph, the proceedings of any committee appointed under this Schedule shall be such as the committee may determine.

16.—(1) Any member of a river authority appointed by the National Coal Board may authorise another person—

- (a) to attend in his stead at meetings of the authority, or of any committee appointed under this Schedule of which he is also a member, and
- (b) to exercise on his behalf all or any of his rights as a member of the authority or committee;

and, in relation to such a member, paragraph 5 (1) (d) of this Schedule shall have effect accordingly.

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(2) Any authority given under the preceding sub-paragraph shall be in writing, and may be given in respect of a particular meeting or in respect of all meetings until it expires or is revoked.

17.—(1) Subject to the following provisions of this paragraph, the provisions of subsections (1) to (7) of section 76 of the Local Government Act 1933 (which relates to the disability of members of local authorities for voting on any question with respect to contracts, proposed contracts or other matters in which they have a pecuniary interest) shall apply in relation to members of a river authority, or of any committee appointed under this Schedule, as those provisions apply in relation to members of local authorities.

(2) In their application by virtue of this paragraph, the said provisions shall have effect as if, for the references therein to meetings of the local authority and the clerk of that authority, there were substituted respectively—

- (a) in relation to members of a river authority, or of any committee appointed by a river authority under paragraph 11 of this Schedule, references to meetings of the river authority or, as the case may be, of the committee, and to the clerk of the river authority, and
- (b) in relation to members of any joint committee, references to meetings of the committee, and to the clerk of the committee.

(3) Where a member of any committee appointed under paragraph 11 of this Schedule is not a member of the river authority by which the committee was appointed, the power conferred on him by subsection (5) of the said section 76, as applied by this paragraph, to inspect the book to be kept under that subsection shall be limited to an inspection of the entries in the book relating to members of the committee.

(4) Without prejudice to the proviso to subsection (1) of the said section 76 (which limits the disabilities imposed by that section), that section shall not by virtue of this paragraph apply—

- (a) to any interest which a member of a river authority or committee may have in the preparation or revision of a charging scheme or in the raising of any drainage rates or the levying of any general or special drainage charges, or
- (b) to any interest in any other matter which such a member may have as the holder of, or as an applicant or prospective applicant for, a licence under this Act, where it is an interest which he has in common with all other holders of, or applicants or prospective applicants for, such licences, or in common with all other persons belonging to a class of such holders, applicants or prospective applicants.

(5) The Ministers may, subject to such conditions as they may think fit to impose, remove any disability imposed by the said section 76 in its application by virtue of this paragraph—

- (a) in any case in which the number of members of a river authority or committee so disabled at any one time would,

- in the opinion of the Ministers, be so great a proportion of the whole as to impede the transaction of business, or
- (b) in any other case in which, in the opinion of the Ministers, it is in the interest of the inhabitants of the river authority area or areas in question that the disability should be removed.

(6) Rules made under paragraph 15 of this Schedule may provide for the exclusion of a member of the river authority or committee to which they relate from a meeting of the authority or committee during the consideration of any matter in respect of which a disability is imposed on him by the said section 76 in its application by virtue of this paragraph.

18.—(1) A minute of the proceedings of a meeting of a river authority, or of any committee appointed under this Schedule, purporting to be signed at that or the next ensuing meeting by the chairman of the meeting to the proceedings of which the minute relates, or by the chairman of the next ensuing meeting, shall be evidence of the proceedings, and shall be received in evidence without further proof; and until the contrary is proved, every meeting in respect of the proceedings of which a minute has been so signed shall be deemed to have been duly convened and held, and all the proceedings had at the meeting to have been duly had, and, where the proceedings are the proceedings of a committee, the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute.

(2) Subject to the next following sub-paragraph, the minutes of proceedings of meetings of a river authority shall be open to the inspection of any local government elector for any part of the river authority area, on payment of a fee not exceeding one shilling, and any such local government elector may make a copy of, or extracts from, any such minutes.

In this sub-paragraph "local government elector" means a person registered as a local government elector in a register for the time being in force under the Representation of the People Acts.

(3) The last preceding sub-paragraph does not apply to any part of such minutes which contains information with respect to any manufacturing process or trade secret obtained in the exercise of powers under this Act.

#### *Authentication of documents*

19. Any notice or other document which a river authority are required or authorised to give, make or issue by or under this Act or any other enactment may be signed on behalf of the authority by their clerk or by any other officer authorised by them in writing to sign documents of the particular kind or, as the case may be, the particular document; and any document purporting to bear the signature of the clerk of the river authority, or of a person expressed to be duly authorised by them to sign such a document, or that particular document, shall be deemed, until the contrary is proved, to be duly given, made or issued by authority of the river authority.

In this paragraph the expression "signature" includes a facsimile of a signature by whatever process reproduced.

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*Officers and servants*

20. A river authority shall appoint such officers and servants as the authority think fit.

21.—(1) A person shall, so long as he is, and for twelve months after he ceases to be, a member of a river authority, be disqualified for being appointed as a paid officer or servant of the authority.

(2) For the purposes of the preceding sub-paragraph, a person shall not be regarded as a paid officer or servant of a river authority by reason only that expenses incurred by him in the performance of his duties are defrayed by the authority.

22. Section 119 of the Local Government Act 1933 (which provides for the taking of security by a local authority in respect of any officer employed by them and any other person likely to be entrusted with money or property belonging to them) shall have effect as if references therein to a local authority, and to officers employed by a local authority, included respectively references to a river authority and to officers and servants appointed by a river authority.

23. Section 120 of the said Act of 1933 (which relates to the accountability of officers of local authorities) shall have effect in relation to any officer or servant appointed by a river authority as it has effect in relation to officers employed by local authorities, subject to the necessary modifications and, in particular, with the omission in subsection (2) of that section of the words from “to the treasurer” to “or otherwise”.

24. Section 123 of the said Act of 1933 (which requires an officer of a local authority to disclose his interest in any contract of the authority) shall have effect in relation to any officer or servant appointed by a river authority as it has effect in relation to officers employed by local authorities, subject to the necessary modifications and, in particular, as if the reference in subsection (1) of that section to subsections (2) and (3) of section 76 of that Act were a reference to those subsections as applied by paragraph 17 of this Schedule, and the reference in subsection (4) thereof to a joint committee appointed under Part III of that Act were a reference to a joint committee appointed under paragraph 12 of this Schedule.

*Remuneration and expenses*

25.—(1) The Ministers may, if they think fit, authorise a river authority to pay to the chairman of the authority by way of remuneration such sum as the Ministers think fit.

(2) A river authority shall pay to their officers and servants such salaries or other remuneration as the authority think fit.

26.—(1) A river authority may defray—

(a) any reasonable expenses incurred by members of the authority, or of any committee thereof, in attending a conference or meeting convened by one or more river authorities, or by any association of river authorities or other organisation to whose activities the river authority

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are empowered by this Schedule to contribute, for the purpose of discussing any matter connected with the discharge of the functions of river authorities ;

- (b) any reasonable expenses incurred in contributing towards the cost, or purchasing reports of the proceedings, of any such conference or meeting ;
- (c) subject to the next following sub-paragraph, any travelling or other expenses properly incurred by or on behalf of any members of the authority in making official or courtesy visits (whether inside or outside the United Kingdom) on behalf of the authority ;
- (d) any expenses incurred in the reception and entertainment by way of official courtesy of—
  - (i) distinguished persons residing in the area of the river authority, or visiting that area or any works outside that area operated by the river authority, or
  - (ii) persons representative of, or connected with, other river authorities or similar services, whether inside or outside the United Kingdom,
 or in the supply of information to any such persons ;
- (e) any reasonable expenses incurred in connection with ceremonies connected with the performance by the river authority of any of their functions.

(2) The amount defrayed by a river authority under head (c) of the preceding sub-paragraph in respect of expenses incurred by a member of the authority in connection with a visit within the United Kingdom shall not exceed the payments which the member would have been entitled to receive by way of travelling allowance or subsistence allowance under section 113 of the Local Government Act 1948, if the making of the visit had been an approved duty of the member within the meaning of that section.

*Expenses and accounts of joint committees*

27.—(1) The expenses incurred by a joint committee appointed under paragraph 12 of this Schedule shall be defrayed by the river authorities by whom the committee is appointed in such proportions as they may agree upon or, in case of disagreement, as may be determined by the Ministers.

(2) The accounts of any such committee shall be made up yearly to the end of March, and shall be subject to audit by a district auditor.

*Arrangements for handling receipts and payments*

28. Every river authority shall make safe and efficient arrangements for the receipt of moneys paid to them and the issue of moneys payable by them, and those arrangements shall be carried out under the supervision of an officer designated by the authority for that purpose.

*Power to promote and oppose legislation*

29. A river authority, or two or more river authorities acting jointly, may promote or oppose Bills in Parliament, or may apply for or oppose applications for orders, byelaws, schemes or awards to be made under any Act.

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*Appearance in legal proceedings*

30. Section 277 of the Local Government Act 1933 (which relates to the appearance of local authorities in legal proceedings) shall have effect in relation to a river authority as it has effect in relation to a local authority within the meaning of that Act.

*Contracts of river authorities*

31.—(1) A river authority may enter into contracts necessary for the performance of any of their functions.

(2) All contracts made by a river authority, or by a committee of a river authority, shall be made in accordance with the rules of the authority, and, in the case of contracts for the supply of goods or materials or for the execution of works, the rules shall—

- (a) require that, except as otherwise provided by or under the rules, notice of the intention of the authority or committee, as the case may be, to enter into the contract shall be published and tenders invited, and
- (b) regulate the manner in which such notice shall be published and tenders invited.

(3) A person entering into a contract with a river authority or a committee of a river authority shall not be bound to inquire whether the rules of the authority which apply to the contract have been complied with; and all contracts entered into by a river authority or such a committee, if otherwise valid, shall have full force and effect notwithstanding that the rules applicable thereto have not been complied with.

*Subscriptions to associations, and contributions for research*

32. A river authority may pay reasonable subscriptions, whether annually or otherwise, to the funds—

- (a) of any association of river authorities formed for the purpose of consultation as to the common interests of river authorities and the discussion of matters connected with the performance of functions of river authorities;
- (b) of such associations of officers of river authorities, being associations formed for the purpose mentioned in the preceding sub-paragraph, as may be approved by the Ministers,

and may make reasonable contributions for furthering research in matters with which river authorities and their officers are concerned.

*Trustee Investments Act 1961*

33. Any river authority which, apart from this paragraph, would not be included among the authorities to which paragraph 9 of Part II of Schedule 1 to the Trustee Investments Act 1961 applies shall by virtue of this Act be included among those authorities.



## SCHEDULE 5

## Section 10

## ORDERS ALTERING RIVER AUTHORITY AREAS

1. Before making an order under section 10 of this Act, the Ministers shall consult with such persons, or bodies representative of persons, as they consider it appropriate to consult at that stage, and shall then prepare a draft order, and cause notice of their intention to make the order, and of the place where copies of the draft order, and of any map to which it refers, may be inspected and obtained, and of the time (not being less than twenty-eight days) within which, and the manner in which, objections to the draft order may be made, to be published in the London Gazette, and in such other manner as they think best adapted for informing persons affected.

2. The Ministers shall also, before making any such order, cause copies of the notice referred to in the preceding paragraph to be served as follows, that is to say—

- (a) in the case of an order in which it is proposed to designate a new river authority area or to alter one or more river authority areas, copies of the notice shall be served on any river authority whose area is proposed to be altered, on every local authority whose area is wholly or partly included in any relevant area, and on every other authority known by the Ministers to be exercising within any relevant area functions corresponding to the new functions of river authorities, or functions with respect to land drainage, fisheries, river pollution, navigation or harbours ;
- (b) in the case of an order by which it is proposed to vary an order previously made under section 10 of this Act, but without designating any new river authority area and without altering any river authority area, copies of the notice shall be served on the river authority to whom the order will relate, on every local authority whose area is wholly or partly included in the area of that river authority, and on every other authority known to the Ministers to be exercising within that river authority area functions with respect to land drainage, navigation or harbours.

In sub-paragraph (a) of this paragraph “any relevant area”, in relation to an order, means any river authority area which is proposed to be altered by the order and any area which is not for the time being comprised in a river authority area but is proposed to be comprised in a river authority area (whether a new river authority area or not) by virtue of the order.

3. Before making any such order, the Ministers shall consider any objections which may be duly made to the draft order, and may if they think fit cause a local inquiry to be held with respect to any such objections ; and in making the order the Ministers may make such modifications in the terms of the draft as appear to them desirable.

4.—(1) Where sub-paragraph (a) of paragraph 2 of this Schedule applies, and an objection has been duly made by any body on whom notice is required to be served under that sub-paragraph and

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has not been withdrawn, then if the order is made the Ministers shall serve notice of the making of the order on every such body who has duly made an objection which has not been withdrawn.

(2) Where a notice is required to be served under the preceding sub-paragraph, the order shall not have effect before the expiry of a period of twenty-eight days from the date of service of that notice; and if within that period any such body gives notice to either of the Ministers objecting to the order, and the objection is not withdrawn, the order shall be subject to special parliamentary procedure.

5. After making an order under section 10 of this Act the Ministers shall publish in the London Gazette, and in such other manner as they think best adapted for informing persons affected, a notice stating that the order has been made and naming a place where a copy of the order may be seen at all reasonable hours:

Provided that, in the case of an order to which sub-paragraph (1) of the last preceding paragraph applies, the notice shall not be published until the expiry of the period of twenty-eight days referred to in sub-paragraph (2) of that paragraph, and shall state whether or not the order is to be subject to special parliamentary procedure.

6.—(1) Subject to the next following sub-paragraph, if any person desires to question the validity of an order under the said section 10 on the ground that it is not within the powers of this Act, or that any requirement of this Act has not been complied with, he may, within six weeks after the first publication of the notice required by the last preceding paragraph, make an application for the purpose to the High Court; and if any such application is duly made, the court, if satisfied that the order is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by any requirements of this Act not having been complied with, may quash the order either generally or in so far as it affects the applicant.

(2) The preceding sub-paragraph shall not apply to any order which is confirmed by Act of Parliament under section 6 of the Statutory Orders (Special Procedure) Act 1945, and shall have effect in relation to any other order which is subject to special parliamentary procedure by virtue of the provisions of this Schedule as if, for the reference to the first publication of the notice required by the last preceding paragraph, there were substituted a reference to the date on which the order becomes operative under the said Act of 1945.

(3) Except as provided by sub-paragraph (1) of this paragraph, the validity of an order under section 10 of this Act shall not either before or after the order has been made, be questioned in any legal proceedings whatsoever.

## SCHEDULE 6

Section 13

## WATER RESOURCES BOARD

1. The Board shall be a body corporate with perpetual succession and a common seal.

2. The quorum of the Board and the arrangements relating to their meetings shall, subject to any directions given by the Minister, be such as the Board may determine.

3. The validity of any proceedings of the Board shall not be affected by any vacancy among the members of the Board or by any defect in the appointment of any of the members of the Board.

4. The House of Commons Disqualification Act 1957 shall be amended by inserting in Part II of Schedule 1, after the entry relating to the War Works Commission, the words "The Water Resources Board" (but that amendment shall not be made in the provisions substituted for the said Part II by Schedule 3 to that Act in relation to the Senate and House of Commons of Northern Ireland).

5.—(1) The Board may appoint officers and servants to such number as the Minister may with the consent of the Treasury determine.

(2) The Minister may pay to any officer or servant of the Board such salary or other remuneration as he may with the consent of the Treasury determine, and such reasonable allowances as may be so determined in respect of expenses properly incurred by the officer or servant in the performance of his duties.

## SCHEDULE 7

Sections 19, 20,  
21, 25, 59 & 61

## PROCEDURE RELATING TO STATEMENTS OF MINIMUM ACCEPTABLE FLOWS, AND TO CERTAIN ORDERS AND SCHEMES

## PART I

*Preparation and approval of draft statements, orders and schemes*

1. In this Part of this Schedule "draft statement" means a draft statement prepared under section 19 or section 20 (1) (a) of this Act.

2. Before submitting a draft statement to the Minister, the river authority shall publish a notice—

- (a) stating the general effect of the draft statement ;
- (b) specifying a place in the river authority area where a copy of the draft statement and of any relevant map or plan may be inspected by any person free of charge at all reasonable times during the period of twenty-eight days beginning with the date of first publication of the notice ; and
- (c) stating that any person may within that period, by notice in writing to the Minister, object to the approval of the statement.

3. A notice under the last preceding paragraph shall be published either—

- (a) at least once in each of two successive weeks in one or more newspapers circulating in the river authority area, or

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(b) in any other manner which, in any particular case, may be certified by the Minister to be expedient in that case.

4. Not later than the date on which the notice is first published in pursuance of the last preceding paragraph, the river authority shall serve a copy of the notice on—

- (a) every local authority whose area comprises any inland water to which the draft statement relates ;
- (b) any statutory water undertakers having the right to abstract water from any such inland water ;
- (c) any other statutory water undertakers who were consulted in relation to the draft statement in pursuance of paragraph (b) of section 19 (4) of this Act (including that paragraph as applied by any other provision of Part III of this Act) ;
- (d) any internal drainage board whose district comprises any such inland water or from whose district water is discharged into any such inland water ;
- (e) any navigation authority, harbour authority or conservancy authority having functions in relation to any such inland water, or, where any such inland water is a tidal water and there is no such authority, the Minister of Transport ;
- (f) any navigation authority, harbour authority or conservancy authority having functions in relation to any other inland water, where it appears to the river authority that changes in the flow of an inland water to which the draft statement relates may affect the flow of that other inland water, or, if that other inland water is a tidal water and there is no such navigation authority, harbour authority or conservancy authority, the Minister of Transport ;
- (g) every person who has given notice to the river authority requesting them to notify him of action taken in connection with the determination of a minimum acceptable flow for an inland water to which the draft statement relates, and, if the river authority have required him to pay a reasonable charge for being so notified, has paid that charge ; and
- (h) the Central Electricity Generating Board.

5. The river authority shall also publish a notice in the London Gazette stating that the draft statement has been submitted to the Minister, naming the areas of local authorities which comprise any inland waters to which the draft statement relates, specifying a place where a copy of the draft statement and of any relevant map or plan may be inspected, and (where the notice required by paragraph 2 of this Schedule is published in a newspaper) giving the name of the newspaper and the date of an issue containing the notice.

6. The river authority shall, at the request of any person, furnish him with a copy of the draft statement on payment of such charge, not exceeding two shillings, as the river authority think reasonable.

7. The Minister may approve the statement either in the form of the draft or in that form as altered in such manner as he thinks fit ; but where he proposes to make any alteration, and

considers that any persons are likely to be adversely affected by it, the river authority shall give and publish such additional notices, and in such manner, as the Minister may require.

8. If before the end of the period of twenty-eight days referred to in paragraph 2 of this Schedule, or of twenty-five days from the publication in the London Gazette of the notice under paragraph 5 of this Schedule, or of any period specified in notices under the last preceding paragraph, notice in writing of an objection is received by the Minister from any person on whom a notice is required by this Schedule to be served, or from any other person appearing to the Minister to be affected by the statement, either as prepared in draft or as proposed to be altered, and the objection is not withdrawn, the Minister, before approving the statement, shall either—

- (a) cause a local inquiry to be held, or
- (b) afford to the objector and to the river authority an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

9. Where a statement is approved under this Schedule, whether in the form of the draft proposed by the river authority or with alterations, the Minister shall give notice to the river authority—

- (a) stating that the statement has been approved, either without alteration or with alterations specified in the notice, and
- (b) specifying the date (not being earlier than twenty-eight days after the date of the notice under this paragraph) on which the statement shall have effect ;

and the river authority shall forthwith publish the notice and shall keep a copy of the statement as approved under this Schedule available at their offices for inspection by the public, free of charge, at all reasonable times.

## PART II

### *Proposals for amending statements*

10. Paragraphs 2 to 6 of this Schedule shall have effect in relation to proposals prepared by a river authority under section 20 (1) (b) of this Act as they have effect in relation to a draft statement within the meaning of Part I of this Schedule, subject to the modification that, in sub-paragraph (c) of the said paragraph 2, for the reference to the approval of the draft statement there shall be substituted a reference to the amendment, in accordance with the proposals, of the statement of minimum acceptable flows to which the proposals relate.

11. The Minister may amend the statement of minimum acceptable flows to which any such proposals relate either in accordance with the proposals as submitted by the river authority or in accordance with the proposals as altered in such manner as he thinks fit ; but where he proposes to alter any such proposals, and considers that any persons are likely to be adversely affected by the alteration, the river authority shall give and publish such additional notices, and in such manner, as the Minister may require.

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12. If before the end of the period of twenty-eight days beginning with the date of first publication of the notice under paragraph 2 of this Schedule relating to the proposals, or of twenty-five days from the publication in the London Gazette of the notice relating thereto under paragraph 5 of this Schedule, or of any period specified in notices under the last preceding paragraph, notice in writing of an objection is received by the Minister from any person on whom a notice is required by this Schedule to be served, or from any other person appearing to the Minister to be affected by the proposals, either as submitted to him or as proposed to be altered, and the objection is not withdrawn, the Minister, before amending the statement of minimum acceptable flows to which the proposals relate, shall either—

- (a) cause a local inquiry to be held, or
- (b) afford to the objector and to the river authority an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

13. Where a statement of minimum acceptable flows is amended under this Schedule, whether or not in accordance with the proposals submitted by the river authority, the Minister shall give notice to the river authority—

- (a) stating that the statement has been amended, either in accordance with the proposals as submitted or in accordance with those proposals as altered in the manner specified in the notice, and
- (b) specifying the date (not being earlier than twenty-eight days after the date of the notice under this paragraph) on which the amendment shall take effect ;

and the river authority shall forthwith publish the notice and shall keep a copy of the statement as amended under this Schedule available at their offices for inspection by the public, free of charge, at all reasonable times.

## PART III

*Procedure for purposes of section 21*

14. The provisions of Part I of this Schedule, except paragraph 1 thereof, shall have effect with respect to any draft statement submitted to the Minister under section 21(1) of this Act, subject to the following modifications:—

- (a) except in paragraph 4 (g) and paragraph 9 of this Schedule, any reference to the river authority, unless the reference is to the river authority area, shall be construed as a reference to the Water Resources Board ;
- (b) in paragraph 9 of this Schedule, the first reference to the river authority shall be construed as a reference to the Water Resources Board and the second such reference shall be construed as a reference to the river authority and the Board ;
- (c) the river authority shall be included among the bodies on whom, under paragraph 4 of this Schedule, a copy of the notice is required to be served.

15.—(1) This paragraph applies to any proposals of the Minister for amending a statement in accordance with section 21 (3) of this Act.

(2) The Minister shall give notice of the proposals to the river authority; and the river authority shall publish such a notice as the Minister may require—

- (a) stating the general effect of the proposals;
- (b) specifying a place in the river authority area where a copy of the proposals and of any relevant map or plan may be inspected by any person free of charge at all reasonable times during the period of twenty-eight days beginning with the date of first publication of the notice; and
- (c) stating that any person may within that period, by notice in writing to the Minister, object to the amendment, in accordance with the proposals, of the statement of minimum acceptable flows to which the proposals relate.

(3) Paragraphs 3 to 6 of this Schedule shall have effect in relation to any proposals to which this paragraph applies as they have effect in relation to a draft statement within the meaning of Part I of this Schedule, subject to the modification that in paragraph 5, for the words “draft statement has been submitted to”, there shall be substituted the words “proposals have been prepared by”.

(4) Paragraphs 11 to 13 of this Schedule shall have effect with respect to any proposals to which this paragraph applies, subject to the modification that any reference to the proposals as submitted to the Minister shall be construed as a reference to the proposals as prepared by the Minister.

(5) In any provision of Part I or Part II of this Schedule as applied by this paragraph, any reference to paragraph 2 of this Schedule shall be construed as a reference to sub-paragraph (2) of this paragraph.

#### PART IV

##### *Joint action by Ministers in certain cases*

16. For the purposes of this Part of this Schedule—

- (a) a case falls within this sub-paragraph if, in accordance with paragraph 8 or paragraph 12 of this Schedule, as applied by section 19 or section 20 of this Act or by Part III of this Schedule, an objection is received by the Minister from any navigation authority, harbour authority or conservancy authority required by this Act to be consulted before the preparation of the draft statement or the submission of the proposals, as the case may be;
- (b) a case falls within this sub-paragraph if either—
  - (i) in accordance with paragraph 8 or paragraph 12 of this Schedule as so applied, an objection is received by the Minister from any internal drainage board whose district comprises any inland water to which the draft statement relates or the proposals relate, as the case may

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be or from whose district water is discharged into such an inland water ; or

(ii) in accordance with either of those paragraphs as so applied, an objection is received by the Minister from an association or person claiming to represent a substantial fishery interest which is affected by the statement or the proposals, as the case may be, and it is certified to the Minister by the Minister of Agriculture, Fisheries and Food that the association or person in question appears to the last-mentioned Minister to represent such an interest ;

(c) a case falls within this sub-paragraph if it is the case of an order under section 25 of this Act and either—

(i) in accordance with paragraph 8 of this Schedule as applied by that section, an objection is received by the Minister from any navigation authority, harbour authority or conservancy authority having functions in relation to an inland water to which the order relates (either as prepared in draft or as proposed to be altered), or

(ii) the order (either as prepared in draft or as proposed to be altered) relates to a tidal water in respect of which there is no relevant authority for the purposes of that section other than the river authority.

17.—(1) In any case falling within any sub-paragraph of the last preceding paragraph, paragraphs 7 to 9 or paragraphs 11 to 13 of this Schedule, as the case may be, shall apply as if for any reference to the Minister, except in the words “an objection is received by the Minister”, there were substituted a reference to the Ministers.

(2) In this paragraph “the Ministers”—

(a) in relation to a case falling within sub-paragraph (a) or sub-paragraph (c), but not falling within sub-paragraph (b), of the last preceding paragraph, means the Minister and the Minister of Transport acting jointly;

(b) in relation to a case falling within sub-paragraph (b), but not within sub-paragraph (a), of the last preceding paragraph, means the Minister and the Minister of Agriculture, Fisheries and Food acting jointly ; and

(c) in relation to a case falling within both sub-paragraph (a) and sub-paragraph (b) of the last preceding paragraph, means the Minister, the Minister of Transport and the Minister of Agriculture, Fisheries and Food acting jointly.

## Section 67

## SCHEDULE 8

## ORDERS AUTHORISING EXECUTION OF WORKS

## PART I

*General provisions*

1. Where a river authority apply to the Minister for an order under section 67 of this Act, the authority shall submit to the Minister a draft of the order, and shall publish at least once in each of two successive weeks, in one or more newspapers circulating in



the locality where the engineering or building operations are to be carried out, a notice—

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- (a) stating the general effect of the order as prepared in draft ;
- (b) specifying a place in the river authority area where a copy of the draft order and of any relevant map or plan may be inspected by any person free of charge at all reasonable times during the period of twenty-eight days beginning with the date of the first publication of the notice ; and
- (c) stating that any person may, within that period, by notice in writing to the Minister object to the making of the order.

2. Not later than the date on which the notice is first published in pursuance of the preceding paragraph, the river authority shall serve a copy of the notice—

- (a) on every local authority within whose area any of the engineering or building operations are to be carried out, and
- (b) on every owner, lessee or occupier (except tenants for a month or for any period less than a month and statutory tenants within the meaning of Part II of the Housing Repairs and Rents Act 1954) of any land in relation to which compulsory powers (other than powers of compulsory acquisition) would become exercisable by the river authority if an order were made in the terms of the draft submitted by them.

3. The river authority shall also publish a notice in the London Gazette stating that the draft order has been submitted to the Minister, naming every local authority on whom a notice is required to be served under the last preceding paragraph, specifying a place where a copy of the draft order and of any relevant map or plan may be inspected, and giving the name of the newspaper in which the notice under paragraph 1 of this Schedule was published and the date of an issue containing the notice.

4. The river authority shall, at the request of any person, furnish him with a copy of the draft order on payment of such charge, not exceeding two shillings, as the river authority think reasonable.

5. The Minister may make the order either in the terms of the draft order or in those terms as altered in such manner as he thinks fit ; but where he proposes to make any alteration, and considers that any persons are likely to be adversely affected by it, the river authority shall give and publish such additional notices, and in such manner, as the Minister may require.

6. If before the end of the period of twenty-eight days referred to in paragraph 1 of this Schedule, or of twenty-five days from the publication in the London Gazette of the notice under paragraph 3 of this Schedule, or of any period specified in notices under the last preceding paragraph, notice in writing of an objection is received by the Minister from any person on whom a notice is required to be served under this Schedule, or from any other person appearing to the Minister to be affected by the order as prepared in draft or as proposed

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- (a) cause a local inquiry to be held, or
- (b) afford to the objector and to the river authority an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

7. In respect of any compulsory powers conferred by the order, other than powers of compulsory acquisition, compensation shall be payable in accordance with subsections (3) and (4) of section 66 of this Act, as if in those subsections—

- (a) any reference to the acquisition of the new right were a reference to the coming into operation of the order in so far as it confers those compulsory powers ;
- (b) any reference to the servient land were a reference to the land in respect of which those powers are exercisable by virtue of the order ; and
- (c) any reference to the relevant date were a reference to the date on which the order comes into operation ;

and subsections (5) to (7) of section 46 of this Act shall have effect in relation to compensation payable by virtue of this paragraph as they have effect in relation to compensation payable under that section.

## PART II

### *Orders conferring powers of compulsory acquisition*

8. The persons on whom, under paragraph 2 of this Schedule, a copy of the notice referred to in that paragraph is required to be served shall include every owner, lessee or occupier (except tenants for a month or for any period less than a month and statutory tenants within the meaning of Part II of the Housing Repairs and Rents Act 1954) of any land comprised in the draft order as land authorised to be compulsorily acquired or land in or over which an interest or right is authorised to be compulsorily acquired, in so far as any such owner, lessee or occupier would not be included apart from this paragraph.

9. Where any objection received by the Minister under paragraph 6 of this Schedule relates to any powers of compulsory acquisition, the Minister may require the objector to state in writing the grounds of his objection ; and if the Minister is satisfied that the objection relates exclusively to matters that can be dealt with in the assessment of compensation, he may disregard the objection for the purposes of paragraph 6 of this Schedule.

10. Notwithstanding anything in paragraph 5 of this Schedule, the order shall not, unless all interested parties consent, confer on the river authority powers to acquire compulsorily any land, interest or right which they would not have been empowered to acquire by virtue of the order if the order had been made in the terms of the draft submitted by them.

11. Part III of Schedule 1 to the Act of 1946 (which makes special provision with respect to land of local authorities and statutory undertakers, common land, inalienable land of the

National Trust and ancient monuments) shall apply to the order as it applies to a compulsory purchase order within the meaning of that Act.

12.—(1) Subject to the following provisions of this paragraph, the Lands Clauses Acts shall be incorporated with section 67 of this Act in relation to the acquisition of any land, interest or right in the exercise of a power conferred by the order.

(2) The provisions of Part I of Schedule 2 to the Act of 1946 (which specify certain exceptions and modifications subject to which the Lands Clauses Acts are to be incorporated with any enactment by virtue of that Act) shall have effect with respect to the incorporation of those Acts with section 67 of this Act as if they were incorporated with that section by virtue of the Act of 1946, and as if the order were a compulsory purchase order made in accordance with the provisions of Schedule 1 to that Act.

(3) The Lands Clauses Acts as so incorporated shall have effect subject to such further exceptions and modifications (if any) as may be specified in the order, and subject also to the provisions (where applicable) of paragraphs 13 and 14 of this Schedule.

(4) Part II of Schedule 2 to the Act of 1946 (which provides for the incorporation of certain provisions of the Railways Clauses Consolidation Act 1845) shall have effect in relation to the order as if the order were a compulsory purchase order made in accordance with the provisions of Schedule 1 to the Act of 1946.

(5) In relation to the acquisition of any land, interest or right in the exercise of a power conferred by the order, the Land Compensation Act 1961 shall have effect subject to the modification of that Act specified in Part III of Schedule 2 to the Act of 1946, and to such exceptions and further modifications (if any) as may be specified in the order, and to the provisions (where applicable) of paragraphs 13 and 14 of this Schedule.

13.—(1) The provisions of this paragraph shall have effect with respect to the acquisition, in the exercise of any powers of compulsory acquisition conferred by the order, of an interest in or right over land by way of the creation of a new interest or right.

(2) Subsections (2) to (5) of section 66 of this Act shall apply as they apply in relation to the acquisition of a new interest or right in the exercise of the powers conferred by section 65 of this Act.

(3) The provisions of the last preceding paragraph shall have effect subject to any regulations made under subsection (6) of section 66 of this Act; and different provision may be made under that subsection according to whether the acquisition is under section 65 or section 67 of this Act.

14. Where, in connection with the engineering or building operations to which the order relates, a licence under Part IV of this Act is granted (or is deemed to be granted) to the river authority to abstract water or to obstruct or impede the flow of an inland water, no compensation shall be payable under section 68 of the Lands Clauses Consolidation Act 1845 in respect of any land or

**SCH. 8** interest injuriously affected by the carrying out of those operations, in so far as that land or interest is injuriously affected by the abstraction of water, or the obstruction or impeding of the flow, in accordance with the provisions of the licence.

15. As soon as may be after the order has been made, the river authority shall publish, in one or more newspapers circulating in the locality where the land in respect of which the powers of compulsory acquisition are conferred is situated, a notice describing that land and stating that the order has been made conferring powers of compulsory acquisition in respect of that land, and naming a place where a copy of the order as made may be inspected at all reasonable hours, and the river authority shall serve a like notice and copy of the order on every such owner, lessee or occupier as is mentioned in paragraph 8 of this Schedule.

16.—(1) Subject to the provisions of sub-paragraph (5) of this paragraph, if any person aggrieved by the order, or by a certificate under the special land provisions, desires to question—

- (a) the validity of the order, or of any provision of the order, on the grounds that any powers of compulsory acquisition conferred by the order are not authorised by section 67 of this Act to be so conferred, or that any of the relevant requirements have not been complied with in relation to the order, or
- (b) the validity of the certificate, on the grounds that any of the relevant requirements have not been complied with in relation to the certificate,

he may, at any time before the end of the period of six weeks beginning with the date on which notice of the making of the order is first published in accordance with the last preceding paragraph or, as the case may be, notice of the giving of the certificate is first published in accordance with the special land provisions, make an application for the purpose to the High Court.

(2) On any application under this paragraph, the High Court—

- (a) may by interim order suspend the operation of the order, or any provision of the order, or of the certificate, either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings;
- (b) if satisfied that any powers of compulsory acquisition conferred by the order are not authorised by section 67 of this Act to be so conferred, or that the interests of the applicant have been substantially prejudiced by a failure to comply with any of the relevant requirements in relation to the order or the certificate, may quash the order, or any provision of the order, or the certificate, either generally or in so far as it affects any property of the applicant.

(3) Except as provided by the preceding provisions of this paragraph, the validity of—

- (a) the order, in so far as it confers any powers of compulsory acquisition, or

(b) any certificate given in connection with the order under the special land provisions,

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shall not, either before or after the order or certificate has been made or given, be questioned in any legal proceedings whatsoever.

(4) Subject to the preceding provisions of this paragraph, the order (except where it is subject by virtue of the special land provisions to special parliamentary procedure) and any certificate given in connection with the order under the special land provisions shall become operative on the date on which notice of the making or giving thereof is published as mentioned in sub-paragraph (1) of this paragraph.

(5) Where the order is subject to special parliamentary procedure, sub-paragraphs (1) to (3) of this paragraph—

(a) shall not apply to the order if it is confirmed by Act of Parliament under section 6 of the Statutory Orders (Special Procedure) Act 1945, and

(b) in any other case, shall have effect as if the reference in sub-paragraph (1) of this paragraph to the date on which notice of the making of the order is published as therein mentioned were a reference to the date on which the order becomes operative under the said Act of 1945.

(6) In this paragraph “the special land provisions” means the provisions of Part III of Schedule 1 to the Act of 1946 as applied by virtue of this Schedule, and “the relevant requirements”, in relation to an order or certificate, means any requirements of this Schedule or of the special land provisions which are applicable to that order or certificate.

17. In this Part of this Schedule “the Act of 1946” means the Acquisition of Land (Authorisation Procedure) Act 1946.

## SCHEDULE 9

Section 69

### APPLICATION OF PROVISIONS OF SCHEDULE 3 TO WATER ACT 1945

1. The provisions of Schedule 3 to the Water Act 1945 referred to in section 69 (3) of this Act shall, in their application to any river authority by virtue of that subsection, have effect as if for any reference therein to undertakers, or the limits of supply of undertakers, there were substituted a reference to the river authority or, as the case may be, the area of that authority.

2. The said provisions, as so applying, shall be further modified, by the omission—

(a) in section 12 (1), of the words “after this section is incorporated with their enactments” and the words from “In this subsection” to the end ;

(b) in section 14 (2), of the words “as if the special Act had not been passed” ;

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- (c) in section 16 (1), of the words from " or by reason of their being worked " to " special Act " ;
- (d) in section 22, of the words " service pipes " ;
- (e) in section 67, of paragraph (b), the words " and thereby causes the supply of water to be interfered with ", and the proviso ;
- (f) in section 68 (1), of the words from " or to a supply pipe " to " attached to a supply pipe " .

## Section 82

## SCHEDULE 10

ORDERS TRANSFERRING FUNCTIONS OR PROPERTY OF OTHER  
AUTHORITIES AND UNDERTAKINGS

1. Before determining whether to make an order on an application under section 82 of this Act, the Ministers shall consult the body (other than the applicants) to or from whom any functions or property are proposed in the application to be transferred, and shall consider any representations made by that body with respect to the application.

2. If the Ministers propose to make an order on the application, they shall prepare a draft order, and shall cause notice of their intention to make an order, and of the place where copies of the draft order, and of any map to which it refers, may be inspected and obtained, and of the time (not being less than twenty-eight days) within which, and the manner in which, objections to the draft order may be made—

- (a) to be published in the London Gazette, and in such other manner as they think best adapted for informing persons affected, and
- (b) to be served on the bodies to or from whom any functions or property are proposed to be transferred, and on any other body, being a navigation authority, conservancy authority, harbour authority or statutory water undertakers, appearing to the Ministers to be affected by the proposals.

3. Before making any order on the application, the Ministers shall consider any objections which may be duly made to the draft order, and may if they think fit cause a local inquiry to be held with respect to any such objections ; and in making the order the Ministers may make such modifications in the terms of the draft as appear to them desirable.

4.—(1) After making such an order, the Ministers shall, if an objection has been duly made by any body on whom notice is required to be served under paragraph 2 of this Schedule and has not been withdrawn, serve notice of the making of the order and the effect thereof on every such body who has duly made objection which has not been withdrawn.

(2) Where a notice is required to be served under the preceding sub-paragraph, the order shall not have effect before the expiry of a period of twenty-eight days from the date of service of that notice ; and if within that period any such body gives notice to either

of the Ministers objecting to the order, and the objection is not withdrawn, the order shall be subject to special parliamentary procedure.

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5. After making the order, the Ministers shall publish in the London Gazette, and in such other manner as they think best adapted for informing persons affected, a notice stating that the order has been made, and naming a place where a copy thereof may be seen at all reasonable hours :

Provided that, in the case of an order to which sub-paragraph (1) of the last preceding paragraph applies, the notice shall not be published until the expiry of the period of twenty-eight days referred to in sub-paragraph (2) of that paragraph, and shall state whether or not the order is to be subject to special parliamentary procedure.

6.—(1) Subject to the next following sub-paragraph, if any person aggrieved by an order under section 82 of this Act 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 in relation to the order, he may, within six weeks after the first publication of the notice required by the last preceding paragraph, make an application for the purpose to the High Court ; and if any such application is duly made, the court, if satisfied that the order is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by any requirements of this Act not having been complied with, may quash the order either generally or in so far as it affects the applicant.

(2) The preceding sub-paragraph shall not apply to any order which is confirmed by Act of Parliament under section 6 of the Statutory Orders (Special Procedure) Act 1945, and shall have effect in relation to any other order which is subject to special parliamentary procedure by virtue of the provisions of this Schedule as if, for the reference to the first publication of the notice required by the last preceding paragraph, there were substituted a reference to the date on which the order becomes operative under the said Act of 1945.

(3) Except as provided by sub-paragraph (1) of this paragraph, the validity of an order under section 82 of this Act shall not, either before or after the order has been made, be questioned in any legal proceedings whatsoever.

7. The costs incurred by the Ministers in connection with the making and notification of an order under section 82 of this Act, including any costs incurred in relation to any such order under the Statutory Orders (Special Procedure) Act 1945, shall be paid by the applicants for the order, and, if there are two or more applicants, the Ministers may apportion the costs between them ; and the Ministers may require any applicants to give security for the payment of any costs payable by them under this paragraph.

8. In relation to an application for, or the making of, an order transferring to a river authority any functions or property of a navigation authority, conservancy authority or harbour authority, " the

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SCH. 10 **Ministers**” in this Schedule means the Minister, the Minister of Agriculture, Fisheries and Food and the Minister of Transport (and, in the case of anything falling to be done by the Ministers, those Ministers acting jointly) and paragraph 4 (2) of this Schedule shall have effect as if for the words “either of the Ministers” there were substituted the words “any of the Ministers.”

Sections 87 & 92.

## SCHEDULE 11

### TRANSITIONAL PROVISIONS RELATING TO PRECEPTS AND BORROWING POWERS OF RIVER AUTHORITIES

#### PART I

##### *Precepts*

1.—(1) Notwithstanding anything contained in section 3(4)(b) of this Act, the duty imposed on river authorities by section 87(3) of this Act shall apply in relation to the financial year beginning on the second appointed day as it applies in relation to any subsequent financial year; and the power of river authorities to issue precepts under section 86(4) of this Act shall be exercisable accordingly before the second appointed day.

(2) In relation to the financial year beginning on the second appointed day, section 87 of this Act shall have effect as if, for the purposes of paragraphs (a) and (b) of subsection (1), and subsection (2), of that section, that financial year included the period beginning on the first appointed day and ending immediately before the second appointed day.

2. Where by virtue of paragraph 1(2) of this Schedule the aggregate amount required to be raised by precept by a river authority for the financial year beginning on the second appointed day includes expenditure incurred before that day, and the river authority issue precepts for that year under section 87 of this Act, then—

- (a) for the purposes of this paragraph there shall be ascertained what the aggregate amount for which precepts are so issued to the council of each county or county borough would have been if no expenditure incurred before the second appointed day had been so included, and every estimate and apportionment made under that section in respect of that financial year had been reduced accordingly, and
- (b) if, in the case of any such council, precepts of the aggregate amount ascertained under the preceding subparagraph would not have exceeded the limit imposed by subsection (6) of that section (or, as the case may be, the limit imposed by subsection (6) as modified by subsection (7) of that section), the aggregate amount of the precepts actually issued to that council for that financial year shall be treated as not exceeding that limit.



3. The provisions which may be included in an order under section 10 of this Act shall (without prejudice to the generality of subsection (3) of that section or, where applicable, of section 125(4) of this Act) be taken to include provisions modifying section 87 of this Act in its application to any river authority established by the order or in its application to any river authority whose area is altered by the order.

## PART II

### *Borrowing powers*

4.—(1) The power of river authorities under section 92(1) of this Act to borrow temporarily, by way of overdraft or otherwise, such sums as they require for the purpose of defraying expenses pending the receipt of revenues receivable by them shall, notwithstanding anything contained in section 3(4)(b) of this Act, be exercisable during the period beginning on the first appointed day and ending immediately before the second appointed day.

(2) In relation to the exercise of that power during that period, paragraph (a) of section 92(1) of this Act shall apply as if, for the words from “period of account” to the end of that paragraph, there were substituted the words “financial year beginning on the second appointed day”.

## SCHEDULE 12

Section 119.

### PROCEDURE RELATING TO BYELAWS

1.—(1) No byelaw made by a river authority shall have effect until confirmed by the appropriate Minister or Ministers under this Schedule.

(2) Notwithstanding anything in section 135 (2) of this Act, in this Schedule “the appropriate Minister or Ministers”, in relation to byelaws made by a river authority under section 5 of the Rivers (Prevention of Pollution) Act 1951 means the Ministers; and for the purposes of the said section 135 (2), any byelaws made by a river authority under section 59 (1) (p) of the Salmon and Fresh-water Fisheries Act 1923 (which relates to the contamination of waters containing fish) shall be treated as made solely in the performance by the authority of their functions relating to fisheries.

2. A river authority shall, at least one month before they apply for the confirmation of any byelaw,—

- (a) publish in the London Gazette, and in one or more newspapers circulating in the area to which the byelaw will apply, notice of their intention to make the application, and
- (b) send a copy of the byelaw to every local authority whose area is wholly or partly within that area.

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3. For at least one month before an application is made for the confirmation of any byelaw, a copy of the byelaw shall be deposited at the offices of the river authority, and shall at all reasonable hours be open to public inspection without charge; and the authority shall supply printed copies of the byelaw, free of charge, to any person appearing to the authority to be interested.

4.—(1) Subject to the following provisions of this paragraph, the appropriate Minister or Ministers, with or without a local inquiry, may refuse to confirm any byelaw submitted for confirmation under this Schedule, or may confirm the byelaw either without modification or (subject to the consent of the river authority) with such modification as he or they think fit; and the authority shall, if so directed by the appropriate Minister or Ministers, cause notice of any proposed modification to be given in accordance with such directions.

(2) A byelaw made under section 5 of the Rivers (Prevention of Pollution) Act 1951 shall not be confirmed without a local inquiry if any written objection to its confirmation has been received by the Ministers and has not been withdrawn:

Provided that this sub-paragraph shall not apply to any objection if, in the opinion of the Ministers, the person making it has no material interest in the stream or part of a stream to which the byelaw relates.

(3) In relation to any such byelaw as is mentioned in the last preceding sub-paragraph, sub-paragraph (1) of this paragraph shall have effect with the substitution for the words "subject to the consent of the river authority" of the words "after consultation with the river authority".

5. The appropriate Minister or Ministers may fix the date on which any byelaw confirmed under this Schedule is to come into operation, and if no date is so fixed the byelaw shall come into operation at the end of the period of one month beginning with the date of confirmation.

6. A copy of any byelaw confirmed under this Schedule shall be printed and deposited at the office of the river authority and shall, at all reasonable hours, be open to public inspection without charge, and a copy thereof shall, on application, be furnished to any person on payment of such reasonable sum as the authority may determine.

7. If it appears to the appropriate Minister or Ministers that the revocation of any such byelaw is necessary or expedient, he or they may, after giving notice to the river authority and considering any objections raised by them, and, if required by them, holding a local inquiry, revoke that byelaw.

8. The production of a printed copy of a byelaw purporting to be made by a river authority upon which is indorsed a certificate, purporting to be signed by the clerk of the authority, stating—

(a) that the byelaw was made by the authority;

(b) that the copy is a true copy of the byelaw;

(c) that on a specified date the byelaw was confirmed under this Schedule; and

(d) the date, if any, fixed under paragraph 5 of this Schedule for the coming into operation of the byelaw, 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.

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## SCHEDULE 13

Section 136

## AMENDMENT OF ENACTMENTS

## PART I

## AMENDMENT HAVING EFFECT AS FROM FIRST APPOINTED DAY

*The Local Government Superannuation Act 1937*

1. In Schedule 1, at the end of Part I, there shall be inserted the words—

“ A river authority ”.

## PART II

## AMENDMENTS HAVING EFFECT AS FROM SECOND APPOINTED DAY

*The Reservoirs (Safety Provisions) Act 1930*

2. In section 10 (1), at the end of the definition of “ undertakers ” there shall be added the words “ or, in the case of a reservoir managed and operated by a river authority but not owned or leased by them, that river authority ”.

*The Water Act 1945*

3. In section 21, after the word “ well ” in each place where it occurs there shall be inserted the word “ borehole ”.

4. In section 23, at the end of the proviso to subsection (1), there shall be added the following paragraph :—

“ (iii) orders under this section shall have effect subject to the provisions of Part IV of the Water Resources Act 1963 ”.

*The Rivers (Prevention of Pollution) Act 1951*

5. In section 11, in subsection (5), for the words from “ the power conferred by section twenty-two ” to the end there shall be substituted the words “ the exercise of any power conferred by section 108 of the Water Resources Act 1963 (which relates to the default powers of Ministers) or by paragraphs 11 and 12 of Schedule 4 to that Act (which relate to committees of river authorities) ”.

6. In Schedule 2, in paragraph 5, the following sub-paragraphs shall be substituted for sub-paragraph (3) :—

“ (3) The Minister may by order direct that all or any of the provisions of the Water Resources Act 1963 specified in the next following sub-paragraph (being supplementary provisions as to the powers and procedure of river authorities and similar matters) shall apply for the purpose of the functions under this Act of the rivers authority for any excluded area as if that authority were a river authority and their area a river authority area, subject to such modifications as may be specified in the order.

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(3A) The said provisions are sections 108 and 109, sections 111 to 113, section 120, sub-paragraphs (2) and (3) of paragraph 18, and paragraph 19, of Schedule 4, and Schedule 12.”; and, in sub-paragraph (4) of that paragraph, for the words “River Boards Act 1948” there shall be substituted the words “Water Resources Act 1963”, for the words “the last foregoing sub-paragraph” there shall be substituted the words “sub-paragraph (3) of this paragraph” and for the words “said Act of 1948”, in both places where they occur, there shall be substituted the words “said Act of 1963”.

7. In Schedule 2, in paragraph 11 (1), for the words from “section seven of the River Boards Act” to “excluded from section one of that Act” there shall be substituted the words “section 10 of the Water Resources Act 1963 (which provides for the alteration of river authority areas)”.

*The Town Development Act 1952*

8. In section 23, in subsection (2), the following paragraph shall be substituted for paragraph (b)—

“(b) the expression ‘drainage authority’ has the meaning assigned to it by the Land Drainage Act 1930”.

*The Protection of Birds Act 1954*

9. In section 14 (1), in paragraph (c) of the definition of “authorised person”, for the words “river board constituted under the River Boards Act 1948” there shall be substituted the words “river authority”.

*The Town and Country Planning Act 1959*

10. In Schedule 4, in paragraph 10, for the words “river board established under the River Boards Act 1948” there shall be substituted the words “river authority”, and in paragraph 11, for the words “river board” there shall be substituted the words “river authority”.

*The Radioactive Substances Act 1960*

11. In Schedule 1, at the end of Part I, there shall be inserted the following paragraph :—

“8A. Sections 72, 74 and 76 of the Water Resources Act 1963.”

*The Land Drainage Act 1961*

12. In section 3 (5), for the words “paragraph 3 of the Third Schedule to the River Boards Act 1948” there shall be substituted the words “paragraph 6 of Schedule 3 to the Water Resources Act 1963”, and in section 3 (6), for the words “paragraph 3” there shall be substituted the words “paragraph 6”.

13. In section 40 (1), for the words “a drainage board” there shall be substituted the words “any drainage board other than a river authority”.

*The Rivers (Prevention of Pollution) Act 1961*

14. In section 3, in subsection (3), for the words “the said subsection (8)” there shall be substituted the words “section 114 of the Water Resources Act 1963”.

15. In section 10 (2), for the words "section fifteen of the River Boards Act 1948" there shall be substituted the words "section 113 of the Water Resources Act 1963".

SCH. 13

*The Trustee Investments Act 1961*

16. In section 11, in paragraph (a) of subsection (4), after the word "parish" there shall be inserted the words "a river authority".

*The Sea Fish Industry Act 1962*

17. In section 14, in subsection (1) (b), for the words "subsection (1) and subsections (4) to (8) of section sixteen, and section seventeen, of the River Boards Act 1948" there shall be substituted the words "subsections (1), (3) and (4) of section 111 and subsections (1) to (7) of section 112 of the Water Resources Act 1963".

*The Pipe-lines Act 1962*

18. In section 37, in subsection (4), for the words from the beginning of paragraph (b) to the word "and" in the second place where it occurs in that paragraph there shall be substituted the words "'river purification authority' means".

PART III

AMENDMENTS HAVING EFFECT AS FROM END OF INITIAL PERIOD

*The Water Act 1945*

19. In section 14, in subsection (10), for the words "any local authority within whose county or district" there shall be substituted the words "the river authority within whose area"; and in subsection (12), for the words "local authority whose county or district is comprised wholly or partly in an area to which this section applies" there shall be substituted the words "river authority", for the words "any such area" there shall be substituted the words "the area of a river authority", for the words "the local authority" there shall be substituted the words "the river authority", and, in paragraph (a), after the word "area" there shall be inserted the words "of the river authority".

PART IV

SUPPLEMENTARY PROVISIONS

20. Part I of this Schedule shall not have effect until the first appointed day.

21. Part II of this Schedule shall not have effect until the second appointed day.

22. Part III of this Schedule shall not have effect until the end of the initial period.

23. The amendments of section 14 of the Water Act 1945 contained in Part III of this Schedule shall not affect—

- (a) any power of the court exercisable under subsection (10) of that section in pursuance of an application made before the end of the initial period, or
- (b) the exercise of any power by virtue of subsection (10) or subsection (12) of that section in pursuance of an authorisation granted by the court under the said subsection (10) before the end of the initial period or granted thereunder after the end of that period in pursuance of an application made before the end of that period.

## Section 136

## SCHEDULE 14

## ENACTMENTS REPEALED

## PART I

*Enactments repealed as from second appointed day*

| Session and Chapter           | Short Title                                                                | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-------------------------------|----------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 13 & 14 Geo. 5.<br>c. 16.     | The Salmon and Fresh-water Fisheries Act 1923.                             | In section 38 (1), in the proviso to paragraph (e), sub-paragraph (ii).                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 8 & 9 Geo. 6.<br>c. 42.       | The Water Act 1945.                                                        | In section 3, in subsection (1), the words "or the conservation of water resources for the purpose of such provision".<br>In section 4, in subsection (1) (a), the words "and of the water resources in or available for their area"; in subsection (1) (e), the words "or water resources in or available for their area"; and in subsection (3), the words "and the water resources in or available for that area".<br>In section 5, in paragraph (a), the words "and of the water resources in or available for that area".<br>Section 6. |
| 11 & 12 Geo. 6.<br>c. 32.     | The River Boards Act 1948.                                                 | The whole Act.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 12, 13 & 14<br>Geo. 6. c. 74. | The Coast Protection Act 1949.                                             | In section 49, in subsection (1), the definition of "river board".                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 12, 13 & 14<br>Geo. 6. c. 97. | The National Parks and Access to the Countryside Act 1949.                 | In section 114, in subsection (1), the definition of "river board".                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 14 & 15 Geo. 6.<br>c. 64.     | The Rivers (Prevention of Pollution) Act 1951.                             | In section 1 (2) (a), the words "the River Boards Act 1948 and other".<br>Section 10.<br>In section 11 (1), the definitions of "river board" and "river board area".<br>In Schedule 2, paragraphs 1 to 4.                                                                                                                                                                                                                                                                                                                                    |
| 14 & 15 Geo. 6.<br>c. 65.     | The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951. | In section 20, in subsection (4), the word "respectively" and the words "the River Boards Act 1948 and".                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 1 & 2 Eliz. 2.<br>c. 18.      | The Coastal Flooding (Emergency Provisions) Act 1953.                      | Section 6.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 6 & 7 Eliz. 2.<br>c. 69.      | The Opencast Coal Act 1958.                                                | In section 51, in subsection (1), the definition of "river board".                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 8 & 9 Eliz. 2.<br>c. 54.      | The Clean Rivers (Estuaries and Tidal Waters) Act 1960.                    | In section 1, subsection (5).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

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| Session and Chapter       | Short Title                                    | Extent of Repeal                                                                                                                                                                                                                               |
|---------------------------|------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 9 & 10 Eliz. 2.<br>c. 48. | The Land Drainage Act 1961.                    | In section 3, in subsection (3) the words from " and the Minister shall cause " to the end, and subsection (4).<br>Section 15.<br>Section 33.<br>Section 42.<br>In section 43, the words " or section thirteen of the River Boards Act 1948 ". |
| 9 & 10 Eliz. 2.<br>c. 50. | The Rivers (Prevention of Pollution) Act 1961. | In section 3, subsection (2).<br>In section 9, subsection (5).<br>In section 10, subsection (6).                                                                                                                                               |

## PART II

*Enactments repealed as from end of initial period*

| Session and Chapter       | Short Title                        | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|---------------------------|------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 9 & 10 Geo. 5.<br>c. 100. | The Electricity (Supply) Act 1919. | Section 15.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 16 & 17 Geo. 5.<br>c. 51. | The Electricity (Supply) Act 1926. | In Schedule 6, the entry relating to section 15 of the Electricity (Supply) Act 1919.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 8 & 9 Geo. 6.<br>c. 42.   | The Water Act 1945.                | In section 14, subsections (1) to (8); in subsection (9), the words " in any area to which this section applies ", and subsection (11).<br>In section 23, in the proviso to subsection (1), the words " except as otherwise provided by the Water Act 1948 " and the word " compulsorily " in both places where it occurs.<br>Section 26.<br>In section 33, in the proviso to subsection (1), the word " compulsorily ".<br>In section 45, paragraph (b).<br>In Schedule 1, paragraph 3 (iv); the proviso to paragraph 19; in paragraph 20, the words " or, as the case may be, from which the water is proposed to be taken under the rights to be acquired "; and in paragraph 22, the words " or subsection (6) of section twenty-six " and the words " as the case may be ".<br>In Schedule 3, section 10; and in section 93 (1), the words " or to abstract water ". |

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| Session and Chapter        | Short Title               | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                              |
|----------------------------|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10 & 11 Geo. 6.<br>c. 54.  | The Electricity Act 1947. | In Part I of Schedule 4, the entry relating to section 15 of the Electricity (Supply) Act 1919.                                                                                                                                                                                                                                                                               |
| 11 & 12 Geo. 6.<br>c. 22.  | The Water Act 1948.       | In section 2, paragraph (c) of subsection (1); in the proviso to subsection (3), the word "compulsorily" in the second place where it occurs; and subsection (5).<br>In section 5, subsections (1) to (3).<br>In section 8, subsection (7).<br>In section 14, subsection (3), and subsection (7) (a) except in so far as it provided for the omission of the words "land or". |
| 10 & 11 Eliz. 2.<br>c. 46. | The Transport Act 1962.   | Section 63.                                                                                                                                                                                                                                                                                                                                                                   |



Table of Statutes referred to in this Act

| Short Title                                          | Session and Chapter              |
|------------------------------------------------------|----------------------------------|
| Lands Clauses Consolidation Act 1845 ...             | 8 & 9 Vict. c. 18.               |
| Railways Clauses Consolidation Act 1845 ...          | 8 & 9 Vict. c. 20.               |
| Tweed Fisheries Amendment Act 1859 ...               | 22 & 23 Vict. c. lxx.            |
| Documentary Evidence Act 1868 ...                    | 31 & 32 Vict. c. 37.             |
| Salmon Fisheries (Scotland) Act 1868 ...             | 31 & 32 Vict. c. 123.            |
| Telegraph Act 1878 ... ..                            | 41 & 42 Vict. c. 76.             |
| Railway and Canal Traffic Act 1888 ...               | 51 & 52 Vict. c. 25.             |
| Interpretation Act 1889 ... ..                       | 52 & 53 Vict. c. 63.             |
| Finance Act 1895 ... ..                              | 58 & 59 Vict. c. 16.             |
| Salmon and Freshwater Fisheries Act 1923 ...         | 13 & 14 Geo. 5. c. 16.           |
| Land Registration Act 1925 ... ..                    | 15 & 16 Geo. 5. c. 21.           |
| Land Charges Act 1925 ... ..                         | 15 & 16 Geo. 5. c. 22.           |
| Land Drainage Act 1930 ... ..                        | 20 & 21 Geo. 5. c. 44.           |
| Reservoirs (Safety Provisions) Act 1930 ...          | 20 & 21 Geo. 5. c. 51.           |
| Local Government Act 1933 ... ..                     | 23 & 24 Geo. 5. c. 51.           |
| Public Health Act 1936 ... ..                        | 26 Geo. 5. & 1 Edw. 8.<br>c. 49. |
| Diseases of Fish Act 1937 ... ..                     | 1 Edw. 8 & 1 Geo. 6. c. 33.      |
| Local Government Superannuation Act 1937 ...         | 1 Edw. 8 & 1 Geo. 6. c. 68.      |
| Agriculture (Miscellaneous War Provisions) Act 1940. | 3 & 4 Geo. 6. c. 14.             |
| Water Act 1945 ... ..                                | 8 & 9 Geo. 6. c. 42.             |
| Statutory Orders (Special Procedure) Act 1945        | 9 & 10 Geo. 6. c. 18.            |



| Short Title                                             | Session and Chapter                 |
|---------------------------------------------------------|-------------------------------------|
| Water (Scotland) Act 1946 ... ..                        | 9 & 10 Geo. 6. c. 42.               |
| Acquisition of Land (Authorisation Procedure) Act 1946. | 9 & 10 Geo. 6. c. 49.               |
| Borrowing (Control and Guarantees) Act 1946             | 9 & 10 Geo. 6. c. 58.               |
| New Towns Act 1946 ... ..                               | 9 & 10 Geo. 6. c. 68.               |
| Fire Services Act 1947 ... ..                           | 11 & 12 Geo. 6. c. 41.              |
| Local Government Act 1948 ... ..                        | 11 & 12 Geo. 6. c. 26.              |
| River Boards Act 1948 ... ..                            | 11 & 12 Geo. 6. c. 32.              |
| Superannuation (Miscellaneous Provisions) Act 1948.     | 11 & 12 Geo. 6. c. 33.              |
| Rivers (Prevention of Pollution) Act 1951 ...           | 14 & 15 Geo. 6. c. 64.              |
| Rivers (Prevention of Pollution) (Scotland) Act 1951.   | 14 & 15 Geo. 6. c. 66.              |
| Border Rivers (Prevention of Pollution) Act 1951.       | 15 & 16 Geo. 6. & 1 Eliz. 2. c. 7.  |
| Town Development Act 1952 ... ..                        | 15 & 16 Geo. 6 & 1 Eliz. 2. c. 54.  |
| Visiting Forces Act 1952 ... ..                         | 15 & 16 Geo. 6. & 1 Eliz. 2. c. 67. |
| Protection of Birds Act 1954 ... ..                     | 2 & 3 Eliz. 2. c. 30.               |
| Housing Repairs and Rents Act 1954 ... ..               | 2 & 3 Eliz. 2. c. 53.               |
| Oil in Navigable Waters Act 1955 ... ..                 | 3 & 4 Eliz. 2. c. 25.               |
| House of Commons Disqualification Act 1957              | 5 & 6 Eliz. 2. c. 20.               |
| Local Government Act 1958 ... ..                        | 6 & 7 Eliz. 2. c. 55.               |
| Water Act 1958 ... ..                                   | 6 & 7 Eliz. 2. c. 67.               |
| National Insurance Act 1959 ... ..                      | 7 & 8 Eliz. 2. c. 47.               |
| Town and Country Planning Act 1959                      | 7 & 8 Eliz. 2. c. 53.               |
| Radioactive Substances Act 1960 ... ..                  | 8 & 9 Eliz. 2. c. 34.               |
| Clean Rivers (Estuaries and Tidal Waters) Act 1960.     | 8 & 9 Eliz. 2. c. 54.               |
| Land Compensation Act 1961 ... ..                       | 9 & 10 Eliz. 2. c. 33.              |
| Rating and Valuation Act 1961 ... ..                    | 9 & 10 Eliz. 2. c. 45.              |
| Land Drainage Act 1961 ... ..                           | 9 & 10 Eliz. 2. c. 48.              |
| Rivers (Prevention of Pollution) Act 1961 ...           | 9 & 10 Eliz. 2. c. 50.              |
| Trustee Investments Act 1961 ... ..                     | 9 & 10 Eliz. 2. c. 62.              |
| Sea Fish Industry Act 1962 ... ..                       | 10 & 11 Eliz. 2. c. 31.             |
| Town and Country Planning Act 1962 ...                  | 10 & 11 Eliz. 2. c. 38.             |
| Transport Act 1962 ... ..                               | 10 & 11 Eliz. 2. c. 46.             |
| Pipe-lines Act 1962 ... ..                              | 10 & 11 Eliz. 2. c. 58.             |

**1963 CHAPTER 39***Criminal Justice (Scotland) Act 1963*

## ARRANGEMENT OF SECTIONS

## PART I

PROVISIONS WITH RESPECT TO SENTENCES AND  
ORDERS INFERRING DETENTION*Restrictions on Imprisonment and Detention  
of Young Offenders*

## Section

1. Restrictions on detention.

*Young Offenders Institutions*

2. Young offenders institutions.

*Borstal Training*

3. Conditions for a sentence of borstal training.
4. Term of detention and supervision under a sentence of borstal training.
5. Detention on recall from supervision under a sentence of borstal training.
6. Recall on re-conviction.

*Detention Centre*

7. Detention in a detention centre.
8. Term of detention in a detention centre.

*Transfer of Young Offenders*

9. Transfer between institutions.
10. Transfer to prison of persons over twenty-one, and maximum age for detention in young offenders institution.

*Supervision of Offenders on Release*

11. Supervision of persons released from detention centres.
12. Supervision of persons released from young offenders institutions.
13. Recall to young offenders institution on re-conviction.
14. Supervision of certain prisoners after release.
15. Termination of supervisory functions of After Care Council.

*Miscellaneous*

16. Amendment of s. 8 of the Summary Jurisdiction (Scotland) Act 1954.
17. Amendment of First Offenders (Scotland) Act 1960.

## PART II

## APPROVED SCHOOLS

18. Release and supervision.
19. Temporary removal from approved school.
20. Procedure in cases of serious misconduct, etc.
21. Directions as to management of approved schools.
22. Constitution of managers.

PART III

FINES AND IMPRISONMENT, ETC., IN DEFAULT

Section

23. Maximum fines and caution.
24. Amendment of s. 33 of the Summary Jurisdiction (Scotland) Act 1954.
25. Restriction on power to impose imprisonment for failure to pay fine, etc.
26. Transfer of fines (including transfer to English court for enforcement, and vice versa).
27. Payment of fine in part by prisoner convicted on indictment.
28. Increase in fine which may be imposed instead of imprisonment on conviction on indictment for statutory offence.
29. Remission of fine where young offender detained.

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MISCELLANEOUS PROVISIONS RELATING TO PREVIOUS  
CONVICTIONS, PROCEDURE, WARRANTS, ETC.

30. Previous convictions.
31. Proof of previous convictions by fingerprints.
32. Amendment of ss. 65 and 71 of the Summary Jurisdiction (Scotland) Act 1954.
33. Repeal of s. 22 of the Criminal Justice (Scotland) Act 1949.
34. Warrant of search for forfeited articles.
35. Amendment of s. 26 of the Criminal Procedure (Scotland) Act 1887.
36. Amendment of notice of previous conviction in trial on indictment.
37. Bail and caution.
38. Backing of certain warrants from the Isle of Man.
39. Execution of Scottish warrants in England and vice versa.
40. Service in Scotland of documents under Magistrates' Courts Act 1957.
41. Execution of warrant of sheriff in solemn procedure.
42. Repeal of s. 6 of the Prevention of Crimes Act 1871.
43. Citation in summary proceedings.
44. Summary prosecution of robbery and assault.
45. Amendment of s. 4 of Summary Jurisdiction (Scotland) Act 1954.
46. Increase in maximum period of adjournment on special cause shown.
47. Deferred sentence.

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48. Legal aid in criminal proceedings.

PART VI

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49. Provision for additional judges.
50. General provisions as to orders.
51. Interpretation.
52. Minor and consequential amendments and repeals.
53. Extension to England, Northern Ireland, the Isle of Man and the Channel Islands.

## Section

- 54. Financial provisions.
- 55. Commencement.
- 56. Short title.

## SCHEDULES :

- Schedule 1—Supervision of certain discharged prisoners.
- Schedule 2—Supervision of persons released from approved schools.
- Schedule 3—Transfer of fines.
- Schedule 4—Amendment of Legal Aid (Scotland) Act 1949.
- Schedule 5—Minor and consequential amendments.
- Schedule 6—Enactments repealed.

An Act to amend the law of Scotland relating to the imprisonment and detention of offenders and other persons; to make further provision as to the treatment of prisoners and other persons committed to custody, including provision for their supervision within the British Islands after discharge, for the management of approved schools and for the treatment of persons detained therein; to amend the law relating to the payment of fines and detention in default of payment thereof within Great Britain; to alter the law relating to the proceedings of criminal courts in Scotland and to legal aid in such proceedings; to alter the law relating to the enforcement of warrants of arrest and the service of process in Great Britain; to provide for the execution in Scotland of warrants issued by courts in the Isle of Man; to provide for the appointment of additional judges of the Court of Session; to make certain consequential amendments to the First Offenders Act 1958 and the Criminal Justice Act 1961; and for purposes connected with the aforesaid matters.

[31st July 1963]

**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

PROVISIONS WITH RESPECT TO SENTENCES AND ORDERS  
INFERRING DETENTION*Restrictions on Imprisonment and Detention of  
Young Offenders*

Restrictions  
on detention.

- 1.—(1) No court shall impose detention on a person under twenty-one years of age, unless the court is of opinion that no other method of dealing with him is appropriate.

(2) For the purpose of determining in pursuance of the provisions of subsection (1) of this section whether any other method of dealing with a person mentioned therein is appropriate, the court shall obtain information about that person's circumstances from a probation officer or otherwise and shall consider that information; and the court shall take into account any information before it which is relevant to his character and to his physical and mental condition.

(3) Where a court of summary jurisdiction imposes detention on an offender under twenty-one years of age, the court shall state the reason for its opinion that no other method of dealing with him is appropriate, and the reason shall be entered in the record of the proceedings along with the finding and sentence.

(4) Where, after the commencement of this section, in the case of a person who is of or over seventeen years of age but less than twenty-one years of age the court is of opinion as aforesaid, and either—

(a) if the person has been convicted of an offence punishable with imprisonment, is satisfied, having considered all the circumstances of the case, that neither a sentence of borstal training nor a sentence of detention in a detention centre should be imposed; or

(b) would have power but for the said commencement to impose imprisonment otherwise than by sentence;

it shall, subject to the following provisions of this Act, instead of imposing a term of imprisonment upon him impose detention in a young offenders institution for a term not exceeding the term for which he could have been imprisoned.

#### *Young Offenders Institutions*

2.—(1) The Secretary of State shall provide such young offenders institutions as appear to him to be necessary, and accordingly, after section 31 (1) (c) of the Prisons (Scotland) Act 1952 (which relates to remand centres, detention centres and borstal institutions), there shall be inserted the following paragraph—

“and

(d) young offenders institutions, that is to say, places in which offenders upon whom detention therein has been imposed under the Criminal Justice (Scotland) Act 1963, may be kept for suitable training and instruction.”

(2) In any enactment—

(a) any reference to a sentence of imprisonment as including a reference to a sentence of any other form of detention shall be construed as including a reference to a

## PART I

sentence of detention in a young offenders institution ;  
and

- (b) any reference to imprisonment as including any other form of detention shall be construed as including a reference to detention in a young offenders institution."

*Borstal Training*

Conditions for a sentence of borstal training.

3. The power of a court to pass a sentence of borstal training under section 20 of the Criminal Justice (Scotland) Act 1949 shall not be exercised in the case of any person on whom such a sentence has previously been imposed and who has served any part thereof.

Term of detention and supervision under a sentence of borstal training.

4.—(1) The maximum period for which a person sentenced to borstal training after the commencement of this section may be detained in pursuance of section 33 (2) of the Prisons (Scotland) Act 1952 shall be two years instead of three years.

(2) The period for which a person sentenced to borstal training after the commencement of this section is to be under supervision under section 33 (3) of the said Act after his release from a borstal institution shall, subject to any order of the Secretary of State under that subsection, be a period of one year beginning with the date of his release (instead of a period of three years from the date of sentence or of one year from the date of release, whichever period expires earlier).

(3) Where in pursuance of section 33 (4) of the said Act an order is made for the recall of a person sentenced to borstal training after the commencement of this section and subsequently released, the maximum period for which he shall be liable to be detained following recall shall be three months instead of one year.

Detention on recall from supervision under a sentence of borstal training.

5.—(1) Where in pursuance of section 33 (4) of the said Act of 1952 an order is made for the recall of a person who is under supervision after his release from a borstal institution, that person shall, after the commencement of this section, instead of being detained in a borstal institution, be detained in a young offenders institution.

(2) The Secretary of State shall have power, in the case of a person who is detained in a borstal institution at the commencement of this section after his recall as aforesaid, to transfer that person to a young offenders institution.

Recall on re-conviction.

6.—(1) Where a person sentenced to borstal training, being under supervision after his release from a borstal institution, is convicted of an offence punishable with imprisonment, the court may, instead of dealing with him in any other manner, make an order for his recall.

(2) An order for the recall of a person made as aforesaid shall have the like effect as an order for recall made by the Secretary of State under section 33 (4) of the Prisons (Scotland) Act 1952.

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### *Detention Centre*

7.—(1) Subject to the provisions of this section, in any case where a person who is not less than fourteen but under twenty-one years of age is convicted of an offence punishable with imprisonment, and 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, it may pass on him a sentence of detention in that centre for a fixed term of three months. Detention in a detention centre.

(2) A court shall not pass a sentence under this section in the case of a person who has served or is serving a sentence involving his detention for two months or more in a prison or in a young offenders institution or a sentence of borstal training, or in the case of a person who has served a sentence of detention in a detention centre, unless the court is of the opinion that, having regard to special considerations arising out of the circumstances of the case and the character of the offender, this method of dealing with him is the most appropriate.

(3) Where it appears to the Secretary of State that a person detained in a detention centre is unfit for such detention by reason of his health, without prejudice to any other powers he may have in the matter, he may, after consultation where practicable with the judge by whom or the presiding chairman of the court by which the sentence was passed, release that person; and he shall then be required to be under supervision in accordance with section 11(1) of this Act.

(4) Section 19 of the Criminal Justice (Scotland) Act 1949 shall cease to have effect.

8.—(1) The term for which a person may be detained in a detention centre shall not exceed three months at a time; and accordingly no court may pronounce an order the effect of which would be that a person would be liable to be detained for more than that period. Term of detention in a detention centre.

(2) Where a court has before it a person convicted of an offence punishable with imprisonment who is serving a sentence of detention in a detention centre or who has been sentenced to and has not yet started to serve such a sentence as aforesaid, it may pass either of the following sentences (subject to the requirements of any enactment relating to those sentences)—

- (a) a sentence of detention in a young offenders institution, or, if the person is of or over twenty-one years of age,

## PART I

a sentence of imprisonment, for a period not exceeding the aggregate of the unexpired portion of the sentence of detention in a detention centre and the maximum period of detention in a young offenders institution or of imprisonment, as the case may be, which the court may impose for the offence of which it has convicted the person ; or

(b) a sentence of borstal training ;

and in that event the sentence of detention in a detention centre shall cease to have effect.

*Transfer of Young Offenders*

Transfer  
between  
institutions.

9.—(1) For section 32 of the Prisons (Scotland) Act 1952 (which relates to transfers from prison to borstal institution and vice versa) there shall be substituted the following section:—

“Transfer  
of young  
offenders  
between  
institutions.

32.—(1) If the Secretary of State is satisfied that a person detained in a young offenders institution in pursuance of a sentence is under twenty-one years of age and might with advantage be detained in a borstal institution, he may, after consultation where practicable with the judge by whom or the presiding chairman of the court by which the sentence was passed, transfer that person to a borstal institution; and the provisions of the next following section shall thereupon apply to him as if he had on the date of the transfer been sentenced to borstal training:

Provided that if on that date the unexpired term of his sentence is less than two years those provisions shall apply to him as if he had been sentenced to borstal training two years before the expiration of that term.

(2) If a person detained in a borstal institution is reported to the Secretary of State by the visiting committee to be incorrigible, or to be exercising a bad influence on the other inmates of the institution, the Secretary of State may present an application to the sheriff within whose jurisdiction the institution is situated for commutation to detention in a young offenders institution of the unexpired part of the term for which the said person is then liable to be detained in a borstal institution, and on any such application the sheriff may commute the said unexpired part to detention as aforesaid for such a term, not exceeding that unexpired part, as he may think fit ; and for the purposes of this Act (other than those of subsections (3) and (4) of section 33) and of the Criminal Justice (Scotland) Act 1963 the said



person shall be treated as if he had been sentenced to detention in a young offenders institution for that term.

(3) If in the case of a person who is not less than seventeen years of age, who is detained in a detention centre, it is reported to the Secretary of State by the visiting committee that he is not amenable to the discipline of the centre by reason of his health, the Secretary of State may transfer that person to a young offenders institution and there detain him for a period not exceeding the unexpired part of the term for which the said person was sentenced to be detained in the detention centre.

(4) The powers conferred upon the Secretary of State by the last foregoing subsection may be exercised in the case of a person who has not attained the age of seventeen years if the Secretary of State is satisfied, having regard to the character and development of the person, that it is appropriate that he should be detained in a young offenders institution."

(2) On the coming into operation of the provisions of section 1 of this Act, the Secretary of State shall have power, in the case of any person who is under twenty-one years of age and who is serving a sentence of imprisonment under which he would not normally be released within the next three months, to transfer that person to a young offenders institution; and for the purposes of this Act and of the Prisons (Scotland) Act 1952, any person so transferred shall be treated as if he had been sentenced to detention in a young offenders institution.

(3) Where an order has been made under any of the enactments specified in the next following subsection for the committal or transfer to a civil prison in Scotland of a person who is under twenty-one years of age, that person shall be taken to a young offenders institution.

(4) (a) The enactments referred to in the last foregoing subsection are—

the Army Act 1955

the Air Force Act 1955

the Naval Discipline Act 1957,

and any rules made thereunder.

(b) For the purposes of the aforesaid enactments, any reference therein to a like sentence of a civil court shall include, in relation to a person taken to a young offenders institution under the last foregoing subsection, a reference to a sentence of detention in a young offenders institution, and references to a civil prison and to imprisonment and any cognate references shall be construed accordingly.

**PART I**  
 Transfer to  
 prison of  
 persons over  
 twenty-one,  
 and maximum  
 age for  
 detention in  
 young  
 offenders  
 institution.

**10.—(1)** Subject to the provisions of this section, where a person serving a sentence of detention in a young offenders institution has attained the age of twenty-one years, the Secretary of State shall have power to transfer him to prison.

(2) No person shall be detained in a young offenders institution after he has attained the age of twenty-three years, and accordingly any person so detained shall, not later than the day immediately preceding his twenty-third birthday, be transferred to prison.

(3) Where a person has been transferred to prison under this section, he shall be treated for the purpose of his serving the unexpired part of his sentence and of his supervision on release as if the sentence of detention passed upon him were a sentence of imprisonment for a like term, and the provisions of this Act and of the Prisons (Scotland) Act 1952 relating to the treatment and supervision of prisoners shall apply to him accordingly.

#### *Supervision of Offenders on Release*

Supervision  
 of persons  
 released from  
 detention  
 centres.

**11.—(1)** A person detained in a detention centre in pursuance of a sentence under section 7 of this Act, or transferred therefrom to a young offenders institution under section 32 (3) of the Prisons (Scotland) Act 1952, shall, after his release and until the expiration of a period of twelve months from the date of his release, be required to be under the supervision of such person as may be specified in the notice to be given to him by the Secretary of State on his release, and shall, while under that supervision, comply with such other requirements as may be so specified:

Provided that the Secretary of State 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) Subject to the provisions of the next following subsection, if before the expiration of the said period of twelve months the Secretary of State is satisfied that a person under supervision under the last foregoing subsection has failed to comply with any requirement for the time being specified in the notice given to him under that subsection, he may, after the commencement of section 1 of this Act, by order recall him to a young offenders institution if the offender has attained the age of seventeen years or, where the offender is less than seventeen years of age, to a detention centre; and thereupon he shall be liable to be detained in that institution or centre until the expiration of the period of fourteen days from the date of his being taken into custody under the order, and if at large he shall be deemed to be unlawfully at large:

Provided that—

(a) any such order 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; and

PART I

(b) a person shall not be recalled more than once under this subsection by virtue of the same sentence under section 7 of this Act.

(3) The power conferred upon the Secretary of State by the last foregoing subsection to recall an offender to a young offenders institution may be exercised in the case of a person who has not attained the age of seventeen years if the Secretary of State is satisfied, having regard to the character and development of the person, that it is appropriate that he should be detained in a young offenders institution.

(4) The Secretary of State may, at any time, release a person who is detained after recall as aforesaid; and the provisions of this section shall apply to a person released by virtue of this subsection, subject to the modification that the period referred to in subsection (1) shall be calculated from the date of his original release.

(5) Where a person who has attained the age of seventeen years is recalled under this section before the commencement of section 1 of this Act, he shall be recalled to a detention centre instead of to a young offenders institution.

**12.—**(1) A person detained in a young offenders institution in pursuance of a sentence shall, where the term of his detention is six months or more, after his release and until the expiration of a period of twelve months from the date of his release, be required to be under the supervision of such person as may be specified in the notice to be given to him by the Secretary of State on his release, and shall, while under that supervision, comply with such other requirements as may be so specified :

Supervision  
of persons  
released from  
young  
offenders  
institutions.

Provided that the Secretary of State 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) The Secretary of State may by order extend the provisions of the last foregoing subsection to persons detained as aforesaid whose term of detention is less than six months but not less than three.

(3) If before the expiration of the said period of twelve months the Secretary of State is satisfied that a person under supervision under subsection (1) of this section has failed to comply with any requirement for the time being specified in the notice given to him under that subsection, he may by order recall him to a young offenders institution; and thereupon he

**PART I**

shall be liable to be detained in that institution, and if at large he shall be deemed to be unlawfully at large :

Provided that any such order 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.

(4) The period for which a person may be detained under the last foregoing subsection shall not exceed three months.

(5) The Secretary of State may, at any time, release a person who is detained under this section ; and the provisions of this section shall apply in the case of a person so released subject to the following modifications :—

(a) the period referred to in subsection (1) shall be calculated from the date of his original release ; and

(b) the period during which he shall be liable to be detained on further recall shall be the period referred to in subsection (4) reduced by any time during which he has previously been detained under this section.

Recall to young offenders institution on re-conviction.

**13.**—(1) Where a person sentenced to detention in a young offenders institution, being under supervision after his release from such an institution, is convicted of an offence punishable with imprisonment, the court may, instead of dealing with him in any other manner, make an order for his recall.

(2) An order for the recall of a person made as aforesaid shall have the like effect as an order for recall made by the Secretary of State under section 12 of this Act.

Supervision of certain prisoners after release.

**14.**—(1) If it appears to the Secretary of State that a person serving a sentence of imprisonment is a person to whom this section applies, he shall, by notice given to such person in accordance with paragraph 2 of Schedule 1 to this Act, place him under supervision under that Schedule on his release from prison.

(2) Subject to the provisions of subsection (4) thereof, this section applies—

(a) to any person serving a sentence of imprisonment for a term of three years or more ;

(b) to any person serving a sentence of imprisonment for a term of not less than six months, but less than three years, who is under the age of twenty-six years at the commencement of the sentence ;

but does not apply to a person serving a sentence of imprisonment for life.

(3) The Secretary of State may by order substitute a lower limit of three months instead of six months in paragraph (b) of subsection (2) above.

(4) This section shall not apply to persons serving a sentence of imprisonment commencing before such date as may be prescribed by order of the Secretary of State under this subsection ; and any such order may prescribe different dates in respect of sentences described in paragraphs (a) and (b) respectively of subsection (2) of this section, and, in respect of sentences comprised in the said paragraph (b), either according to the length of the term of imprisonment under a sentence or to the age of the person on whom it is passed.

PART I

15.—(1) Subject to the provisions of this section, the powers of the Secretary of State under the Prisons (Scotland) Act 1952 shall include power to make such arrangements as appear to him to be necessary for the supervision of offenders released from institutions provided under that Act.

Termination of supervisory functions of After Care Council.

(2) The Secretary of State may no longer place offenders under the supervision of the After Care Council in pursuance of section 18(2) of the Prisons (Scotland) Act 1952, and accordingly for that subsection there shall be substituted the following subsection :—

“(2) It shall be the duty of the After Care Council to advise the Secretary of State on any question relating to the after-care of offenders which he may refer to them, and to bring to his attention any matter relating to after-care of which in their opinion he ought to be apprised”.

#### Miscellaneous

16. In section 8 of the Summary Jurisdiction (Scotland) Act 1954 (which provides in certain cases where the person convicted has two previous convictions for a maximum sentence of six months imprisonment), for paragraphs (a) and (b) there shall be substituted the following paragraphs :—

Amendment of s. 8 of the Summary Jurisdiction (Scotland) Act 1954.

“(a) a second or subsequent offence inferring dishonest appropriation of property, or attempt thereat, or

(b) a second or subsequent offence inferring personal violence”.

17.—(1) For the purposes of the First Offenders (Scotland) Act 1960, any order made by a court of summary jurisdiction under section 1 or section 2 of the Criminal Justice (Scotland) Act 1949 (which provide for absolute discharge and probation) shall be treated as a conviction.

Amendment of First Offenders (Scotland) Act 1960.

(2) For the purpose of determining whether a person is a first offender within the meaning of that Act, a previous conviction shall be disregarded after the expiration of a period of ten years from the date of that conviction, being a period exclusive of any period spent by him in custody under sentence in respect of the conviction.

## PART II

## APPROVED SCHOOLS

Release and supervision.

**18.—(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 :

Provided that no person shall be released within the first six months of that 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 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 Schedule 2 to this Act.

(3) Part II of Schedule 2 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 78 of the Children and Young Persons (Scotland) Act 1937 and paragraph 6 of Schedule 2 to that Act (which provisions relate to supervision, licence and recall) shall cease to have effect.

Temporary removal from approved school.

**19.—(1)** Where, in the case of a person who is detained in an approved school, the managers of that school have decided to bring him before a court of summary jurisdiction under paragraph 8 of Schedule 2 to the Children and Young Persons (Scotland) Act 1937 on the ground of serious misconduct, that person may be dealt with in accordance with the following provisions of this section.

(2) If it appears to a justice of the peace (not being a manager of the approved school), on sworn information laid by or on behalf of the managers of the school, that a person detained in the school, to whom subsection (1) above applies, should be removed therefrom without delay, the justice may issue a warrant authorising the managers or, on cause shown, directing a constable to remove that person to a place specified in the warrant in accordance with the next following subsection, and section 20 (3) of the Summary Jurisdiction (Scotland) Act 1954 (which relates to the bringing of persons in custody before a court) shall apply in relation to a person removed as aforesaid as it applies to a person apprehended under a warrant issued under that section.

(3) Any one of the following places may be specified in a warrant issued for the purposes of the last foregoing subsection, that is to say,—

- (a) remand home,
- (b) remand centre,
- (c) police station,
- (d) approved school,
- (e) hospital :

Provided that in the case of the two places last mentioned the managers or, as the case may be, the board of management are willing temporarily to receive the person named in the warrant.

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

**20.**—(1) It shall no longer be a requirement that the managers of an approved school who bring a person before a court under paragraph 8 of Schedule 2 to the Children and Young Persons (Scotland) Act 1937 on the ground of serious misconduct shall be authorised in that behalf by the Secretary of State. Procedure in cases of serious misconduct, etc.

(2) A court of summary jurisdiction, in exercising its powers under section 70 of the Criminal Justice (Scotland) Act 1949 (which among other things confers certain powers on a court in relation to persons brought before it for serious misconduct while detained in an approved school or for absconding therefrom), shall have the like power to adjourn the case for inquiry, or for any other necessary cause, as it has in relation to the case of an accused or convicted person, and may, during the period of adjournment, commit a person so brought before it to any place (other than a police station) that may be specified for the purposes of section 19 (2) above.

(3) A person committed 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 so committed as if he were detained in and under the care of the managers of the school in which he was detained before committal.

**21.**—(1) If it appears to the Secretary of State that the provision made in any approved school with regard to any matter relating to the premises or equipment of the school, the number or grades of the staff employed in the school, or the education, training or welfare of persons under the care of the managers Directions as to management of approved schools.

**PART II** 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, section 83 (2) of the Children and Young Persons (Scotland) Act 1937 (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.

**Constitution  
of managers.**

**22.—(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 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) 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 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 in the event of that school ceasing 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.



PART III

FINES AND IMPRISONMENT, ETC., IN DEFAULT

23.—(1) The limit imposed by section 3 of the Summary Jurisdiction (Scotland) Act 1954 upon the amount of the fine which may be imposed by a court of summary jurisdiction other than a sheriff court on convicting a person of a common law offence shall be raised from ten pounds to fifty pounds, and the limit on the amount of caution which any such person as aforesaid may be ordained to find shall be raised from twenty pounds to fifty pounds.

Maximum fines and caution.

(2) The limit imposed by section 7 (1) of the said Act upon the amount of the fine which may be imposed by the sheriff on summarily convicting any person of a common law offence, and upon the amount of caution which any such person as aforesaid may be ordained to find, shall be raised from twenty-five pounds to one hundred and fifty pounds.

(3) The limit imposed by section 40 of the said Act upon the amount of the fine which may be imposed in substitution of a period of imprisonment shall be raised from twenty-five pounds to one hundred pounds.

24. The limit imposed by section 33 (1) of the Summary Jurisdiction (Scotland) Act 1954 upon the amount of the fine which may be imposed by a court upon a witness who shall be deemed guilty of contempt of court under that subsection shall be raised from three pounds to twenty-five pounds.

Amendment of s. 33 of the Summary Jurisdiction (Scotland) Act 1954.

25. The following sections shall be substituted for sections 42 and 43 of the Summary Jurisdiction (Scotland) Act 1954:—

Restriction on power to impose imprisonment for failure to pay fine, etc.

“ Time for payment of fine and finding of caution.

42.—(1) Where a court of summary jurisdiction has imposed a fine on an offender or ordered him to find caution, the court shall, subject to the provisions of the next following subsection, allow him at least seven days to pay the fine or the first instalment thereof or, as the case may be, to find caution; and any reference in this and the next following section to a failure to pay a fine or other like expression shall include a reference to a failure to find caution.

(2) If on the occasion of the imposition of a fine—

- (a) the offender appears to the court to possess sufficient means to enable him to pay the fine forthwith; or
- (b) on being asked by the court whether he wishes to have time for payment he does not ask for time; or

## PART III

(c) he fails to satisfy the court that he has a fixed abode ; or

(d) the court is satisfied for any other special reason that no time should be allowed for payment,

the court may refuse him time to pay the fine and, if the offender fails to pay, may exercise its power to impose imprisonment and, if it does so, shall state the special reason for its decision.

(3) Where time is allowed for payment of a fine or payment by instalments is ordered, a court of summary jurisdiction shall not, on the occasion of the imposition of a fine, impose imprisonment in the event of a future default in paying the fine or an instalment thereof unless the offender is before it and the court determines that, having regard to the gravity of the offence or to the character of the offender, or to other special reason, it is expedient that he should be imprisoned without further inquiry in default of payment ; and where a court so determines, it shall state the special reason for its decision.

(4) Where a court of summary jurisdiction has imposed imprisonment in accordance with the provisions of the last foregoing subsection, then, if at any time the offender asks the court to commit him to prison, the court may do so notwithstanding subsection (1) of this section.

(5) Nothing in the foregoing provisions of this section shall affect any power of a court of summary jurisdiction to order a fine to be recovered by civil diligence.

(6) Where time has been allowed for payment of a fine imposed by a court of summary jurisdiction, the court may, subject to any rules under this Act, on an application by or on behalf of the offender, and after giving the prosecutor an opportunity of being heard, allow further time for payment.

Restriction on imprisonment after imposing a fine or requirement to find caution.

43.—(1) Where a court of summary jurisdiction has imposed a fine or ordered the finding of caution without imposing imprisonment in default of payment, it shall not impose imprisonment on an offender for failing to make payment of the fine, unless on an occasion subsequent to that sentence the court has enquired into his means in his presence ; but this subsection shall not apply where the offender is in prison.

(2) A court of summary jurisdiction may, for the purpose of enabling enquiry to be made under this section—

- (a) issue a citation requiring the offender to appear before the court at a time and place appointed in the citation ; or
- (b) issue a warrant of apprehension.

(3) On the failure of the offender to appear before the court in response to a citation under this section, the court may issue a warrant of apprehension.

Payment of  
fine by  
instalments.

43A.—(1) Without prejudice to the operation of section 42 (2) of this Act, where a court of summary jurisdiction has imposed a fine on an offender, the court may, of its own motion or on the application of the offender, order payment of that fine by instalments of such amounts and at such time as it may think fit, and it shall be the duty of the court to inform the offender of his right to make an application as aforesaid.

(2) Where any instalment is not paid by the time so ordered, the offender shall, subject to the provisions of the last foregoing section, be deemed to be in default of payment of a fine of the amount of the unpaid balance and dealt with accordingly, and where the court has already imposed imprisonment in default of payment the offender shall be liable to be imprisoned for a period that bears to the period of imprisonment so imposed the same proportion, as nearly as may be, as the amount of the unpaid balance bears to the total amount of the fine.

Supervision  
pending  
payment  
of fine.

43B.—(1) Where an offender has been allowed time for payment of a fine by a court of summary jurisdiction, the court may, either on the occasion of the imposition of the fine or on a subsequent occasion, order that he be placed under the supervision of such person as the court may from time to time appoint for the purpose of assisting and advising the offender in regard to payment of the fine.

(2) An order made in pursuance of the last foregoing subsection shall remain in force so long as the offender to whom it relates remains liable to pay the fine or any part of it unless the order ceases to have effect or is discharged under the next following subsection.

(3) An order under this section shall cease to have effect on the making of a transfer of fine order under

## PART III

section 44 of this Act in respect of the fine or may be discharged by the court that made it without prejudice, in either case, to the making of a new order.

(4) Where an offender under twenty-one years of age has been allowed time for payment of a fine by a court of summary jurisdiction, the court shall not order the form of detention appropriate to him in default of payment of the fine unless he has been placed under supervision in respect of the fine or the court is satisfied that it is impracticable to place him under supervision.

(5) Where a court, being satisfied as aforesaid, orders the detention of a person under twenty-one years of age without an order under this section having been made, the court shall state the grounds on which it is so satisfied.

(6) Where an order under this section is in force in respect of an offender, the court shall not impose imprisonment in default of the payment of the fine, unless the court has, before so doing, taken such steps as may be reasonably practicable to obtain from the person appointed for the supervision of the payment of his fine a report, which may be oral, on the offender's conduct and means and shall consider any report so obtained, in addition, in a case where an enquiry is required by section 43 of this Act, to that enquiry.

Supple-  
mentary  
provisions  
relating to  
payment of  
fine.

43c.—(1) Where under the provisions of the last four foregoing sections a court is required to state a special reason for its decision or the grounds on which it is satisfied that it is undesirable or impracticable to place an offender under supervision, the reason or, as the case may be, the grounds shall be entered in the record of the proceedings along with the finding and sentence.

(2) Any reference in the sections last mentioned to imprisonment shall be construed, in the case of an offender on whom by reason of his age imprisonment may not lawfully be imposed, as a reference to the lawful form of detention in default of payment of a fine appropriate to that person, and any reference to prison shall be construed accordingly."

Transfer of  
fines (including  
transfer to  
English court  
for enforce-  
ment, and  
vice versa).

26.—(1) It shall no longer be a requirement that a transfer of fine order within the meaning of section 44 of the Summary Jurisdiction (Scotland) Act 1954 shall be made only on the application of the person on whom the fine was imposed, and accordingly subsection (3) of that section shall cease to have effect.

(2) For the purpose of enabling transfer of fine orders to be made—

- (a) by courts of summary jurisdiction in Scotland in respect of persons residing in England and Wales ; and
- (b) by magistrates' courts in England and Wales in respect of persons residing in Scotland,

the section set out in Part I of Schedule 3 to this Act shall be substituted for the said section 44, and the sections set out in Part II of that Schedule shall be inserted after section 72 of the Magistrates' Courts Act 1952.

27. Where a person convicted on indictment has been committed to prison or otherwise detained for failure to pay a fine, the provisions of section 45 of the Summary Jurisdiction (Scotland) Act 1954 (which relates to the reduction of the term of imprisonment where payment of a fine in part is made by a prisoner) shall apply to him as if he had been summarily convicted. Payment of fine in part by prisoner convicted on indictment.

28. Paragraph (3) of section 43 of the Summary Jurisdiction (Scotland) Act 1908 (which, as read with section 77 (4) of that Act, directs that a fine not exceeding twenty-five pounds may be substituted for imprisonment on conviction on indictment for the contravention of any enactment which provides no other penalty than imprisonment for such a contravention) shall be amended by the omission of the words "a fine not exceeding twenty-five pounds" and by the insertion, at the end of the paragraph, of the words "a fine as provided in the following table :— Increase in fine which may be imposed instead of imprisonment on conviction on indictment for statutory offence.

| <i>Period of imprisonment</i>                              | <i>Amount of fine</i>                                   |
|------------------------------------------------------------|---------------------------------------------------------|
| Not exceeding three months... ..                           | Not exceeding £100                                      |
| Exceeding three months but not exceeding six months ... .. | Not exceeding £200                                      |
| Exceeding six months but not exceeding one year ... ..     | Not exceeding £400                                      |
| Over one year ... ..                                       | Such fine as the court may, in its discretion, decide." |

29. Where, in the case of an offender in a borstal institution, detention centre or approved school, or under supervision following release therefrom, who has not made payment of a fine imposed before his being so detained, it appears to the Secretary of State that remission of the fine might assist the rehabilitation of the offender, he may, after consultation where practicable with the judge by whom or the presiding chairman of the court by which sentence was passed, remit that fine in whole or in part. Remission of fine where young offender detained.

## PART IV

MISCELLANEOUS PROVISIONS RELATING TO PREVIOUS  
CONVICTIONS, PROCEDURE, WARRANTS, ETC.

Previous  
convictions.

**30.**—(1) Any rule of law or the provisions of any enactment which enable a previous conviction to be libelled as an aggravation of an offence shall cease to have effect.

(2) Where a person is convicted of an offence, any rule of law which precludes the laying and proof before the court of any previous conviction in respect of that person shall cease to have effect, and the court may have regard to any such conviction in deciding on the disposal of the case.

(3) The provisions of any enactment relating to the laying and proof of previous convictions before a court shall apply to a conviction laid before a court in pursuance of this section.

(4) Nothing in the foregoing provisions of this section shall affect the provisions of any enactment relating to the sentence which a court may pass on a second or subsequent conviction.

Proof of  
previous  
convictions  
by finger-  
prints.

**31.**—(1) A previous conviction may be proved against any person in any criminal proceedings by the production of such evidence of the conviction as is mentioned in this section and by showing that his fingerprints and those of the person convicted are the fingerprints of the same person.

(2) A certificate purporting to be signed by or on behalf of the Chief Constable of Glasgow or the Commissioner of Police of the Metropolis, containing particulars relating to a conviction extracted from the criminal records kept by the person by or on whose behalf the certificate is signed, and certifying that the copies of the fingerprints contained in the certificate are copies of the fingerprints appearing from the said records to have been taken in pursuance of regulations for the time being in force under section 11 of the Prisons (Scotland) Act 1952, or under section 16 of the Prison Act 1952, from the person convicted on the occasion of the conviction or on the occasion of his last conviction, shall be sufficient evidence of the conviction or, as the case may be, of his last conviction and of all preceding convictions and that the copies of the fingerprints produced on the certificate are copies of the fingerprints of the person convicted.

(3) Where a person has been apprehended and detained in the custody of the police in connection with any criminal proceedings, a certificate purporting to be signed by the chief constable concerned or a person authorised on his behalf, certifying that the fingerprints produced thereon were taken from him

PART IV

while he was so detained, shall be sufficient evidence in those proceedings that the fingerprints produced on the certificate are the fingerprints of that person.

(4) A certificate purporting to be signed by or on behalf of the governor of a prison or of a remand centre in which any person has been detained in connection with any criminal proceedings, certifying that the fingerprints produced thereon were taken from him while he was so detained, shall be sufficient evidence in those proceedings that the fingerprints produced on the certificate are the fingerprints of that person.

(5) A certificate purporting to be signed by or on behalf of the Chief Constable of Glasgow, and certifying that the fingerprints, copies of which are certified as aforesaid by or on behalf of the Chief Constable or the Commissioner of Police of the Metropolis to be copies of the fingerprints of a person previously convicted and the fingerprints certified by or on behalf of a chief constable or a governor as aforesaid, or otherwise shown, to be the fingerprints of the person against whom the previous conviction is sought to be proved, are the fingerprints of the same person, shall be sufficient evidence of the matter so certified.

(6) The method of proving a previous conviction authorised by this section shall be in addition to any other method of proving the conviction.

32.—(1) At the end of section 65 of the Summary Jurisdiction (Scotland) Act 1954 (which among other things relates to the procedure in courts of summary jurisdiction on the determination of an appeal) there shall be added the following subsection :—

Amendment of ss. 65 and 71 of the Summary Jurisdiction (Scotland) Act 1954.

“(4) Where an appellant who has been granted interim liberation does not thereafter proceed with his appeal, the court from which the appeal was taken shall have power, where at the time of the abandonment of the appeal the person is serving a term or terms of imprisonment imposed subsequently to the conviction appealed against, to order that the sentence or, as the case may be, the unexpired portion of that sentence relating to that conviction should run from such date as the court may think fit, not being a date later than the date on which the term or terms of imprisonment subsequently imposed expire.”

(2) At the end of section 71 of the Summary Jurisdiction (Scotland) Act 1954 (which relates to the powers of the High Court of Justiciary on the hearing of appeals) there shall be added the following subsection :—

“(7) Where at the time an appeal is dismissed or refused as aforesaid the appellant is serving a term or terms of imprisonment imposed subsequently to the conviction

## PART IV

appealed against, the High Court shall have the like powers in regard to him as may be exercised by a court of summary jurisdiction in pursuance of subsection (4) of section sixty-five of this Act."

Repeal of s. 22 of the Criminal Justice (Scotland) Act 1949.

**33.** Section 22 of the Criminal Justice (Scotland) Act 1949 (which empowers a court to order certain discharged prisoners to notify their addresses) shall cease to have effect.

Warrant of search for forfeited articles.

**34.** Where a court has made an order for the forfeiture of an article, the court or any justice of the peace may, if satisfied on information on oath—

(a) that there is reasonable cause to believe that the article is to be found in any place or premises; and

(b) that admission to the place or premises has been refused or that a refusal of such admission is apprehended,

issue a warrant of search which may be executed according to law; and for the purposes of this section, any reference to a justice of the peace includes a reference to the sheriff and to a magistrate.

Amendment of s. 26 of the Criminal Procedure (Scotland) Act 1887.

**35.** For section 26 of the Criminal Procedure (Scotland) Act 1887 (which relates to the giving of notice to an accused of the first diet in solemn procedure) there shall be substituted the following section:—

"Notice for first diet.

26.—(1) Where a person is charged on indictment, the notice for the first diet of compearance shall call on that person to appear in the sheriff court before which he appeared on judicial examination unless the Lord Advocate otherwise directs.

(2) The Lord Advocate may make a direction that the first diet of compearance may be taken at a sheriff court other than the sheriff court where the accused appeared on judicial examination either in respect of a class of cases or in respect of particular cases."

Amendment of notice of previous conviction in trial on indictment.

**36.** A court, on conviction of a person on indictment, shall have power to correct an error or defect in a notice of previous conviction relating to the person convicted, and accordingly after section 39 (1) (e) of the Criminal Justice (Scotland) Act 1949 there shall be inserted the following paragraph:—

"(ee) on the conviction of an accused person, it shall be competent for a court to amend a notice of previous conviction so laid by deletion or alteration for the purpose of curing any error or defect therein:

Provided that no such amendment shall be made to the prejudice of the accused."



**37.—(1)** The following provisions of this section shall apply **PART IV**  
 where a court has refused to admit a person to bail or, where **Bail and**  
 a court has so admitted a person, the bail fixed in his case has **caution.**  
 not been found.

(2) A court shall, on the application of any such person as aforesaid, have power to review its decision to admit to bail or its decision as to the bail fixed and may, on cause shown, admit the person to bail or, as the case may be, fix bail at a lower amount.

(3) An application under this section, where it relates to the original decision of the court, shall not be made before the fifth day after that decision and, where it relates to a subsequent decision, before the fifteenth day thereafter.

(4) Nothing in the provisions of this section shall affect any right of a person to appeal against the decision of a court in relation to admitting to bail or to the bail fixed.

(5) In the foregoing provisions of this section, any reference to bail includes a reference to caution for interim liberation and any reference to admitting to bail shall include a reference to ordering the finding of caution as aforesaid.

**38.—(1)** A warrant issued in the Isle of Man for the arrest of a person charged with an offence may, after it has been endorsed by a justice of the peace in Scotland, be executed there by the person bringing that warrant, by any person to whom the warrant was originally directed or by any officer of law of the county or place where the warrant has been endorsed as aforesaid in like manner as any such warrant issued in Scotland. **Backing of certain warrants from the Isle of Man.**

(2) In this section—

“endorsed” means endorsed in the like manner as a process to which section 4 of the Summary Jurisdiction (Process) Act 1881 applies;

“justice of the peace” includes a sheriff and a magistrate;

“officer of law” includes a constable within the meaning of the Police (Scotland) Act 1956, a sheriff officer, prison officer and any other person having authority to execute a warrant of court.

**39.—(1)** A warrant issued in Scotland for the apprehension of a person charged with an offence may be executed in England and Wales by any constable acting within his police area; and subsections (3) and (4) of section 102 of the Magistrates' Courts Act 1952 (execution on Sunday and execution without possession of the warrant) shall apply to the execution in England and Wales of any such warrant. **Execution of Scottish warrants in England and vice versa.**

**PART IV**

(2) A warrant issued in England and Wales for the arrest of a person charged with an offence may be executed in Scotland by any constable appointed for a police area in like manner as any such warrant issued in Scotland.

(3) A warrant may be executed by virtue of this section whether or not it has been endorsed under section 14 or section 15 of the Indictable Offences Act 1848.

(4) Nothing in this section affects the execution in Scotland of a warrant to which section 123 of the Bankruptcy Act 1914 applies.

(5) Section 12 of the Metropolitan Police Act 1839 shall cease to have effect.

Service in Scotland of documents under the Magistrates' Courts Act 1957.

**40.** Nothing in section 6(3) (extent) of the Magistrates' Courts Act 1957 or in the Summary Jurisdiction (Process) Act 1881 shall be construed as precluding the service in Scotland, with a summons which is so served under the said Act of 1881, of any such notice or statement as is mentioned in subsection (1) of section 1 of the said Act of 1957 (plea of guilty in absence of accused).

Execution of warrant of sheriff in solemn procedure.

**41.** A warrant of apprehension issued by the sheriff, to which section 25 of the Sheriff Courts (Scotland) Act 1838 applies, may be executed throughout Scotland in like manner as it may be executed within his jurisdiction, and accordingly the proviso to the said section 25 (which proviso restricts the execution of such a warrant without endorsement) shall cease to have effect.

Repeal of s. 6 of the Prevention of Crimes Act 1871.

**42.** Section 6 of the Prevention of Crimes Act 1871 (which among other things provides for the keeping of a register for Scotland of all persons convicted of crimes, to be kept in Edinburgh) shall, so far as it relates to Scotland, cease to have effect.

Citation in summary proceedings.

**43.** The power to make rules conferred on the High Court of Justiciary by section 76 (1) of the Summary Jurisdiction (Scotland) Act 1954 shall, without prejudice to the generality of that subsection, include power to make provision for the manner in which an accused person or witness may be cited in any proceedings under that Act, and accordingly section 18 (3) of that Act (which regulates citation) shall cease to have effect.

Summary prosecution of robbery and assault.

**44.** For the removal of doubt it is hereby declared that it is competent to prosecute summarily in the sheriff court crimes of robbery and assault with intent to rob.

**45.** In paragraphs (c), (d) and (e) of section 4 (2) of the Summary Jurisdiction (Scotland) Act 1954 (which subsection places certain restrictions on the jurisdiction of a court of summary jurisdiction other than the sheriff court)—

**PART IV**  
Amendment  
of s. 4 of the  
Summary  
Jurisdiction  
(Scotland)  
Act 1954.

(a) the limit on the amount involved in certain offences specified shall be raised from ten pounds to twenty-five pounds; and

(b) for the restriction by reference to two previous convictions of any offence inferring dishonest appropriation of property there shall be substituted a restriction by reference to one previous conviction of such an offence.

**46.** The maximum period for which a court of summary jurisdiction may continue a case on special cause shown under section 21 of the Summary Jurisdiction (Scotland) Act 1954 shall be increased from fourteen days to twenty-one days.

Increase  
in maximum  
period of  
adjournment  
on special  
cause shown.

**47.** For the removal of doubt it is hereby declared that it is competent for any Scottish court to defer sentence after conviction for a period and on such conditions as the court may determine.

Deferred  
sentence.

## PART V

### LEGAL AID IN CRIMINAL PROCEEDINGS

**48.** The Legal Aid (Scotland) Act 1949 shall have effect in relation to legal aid in connection with criminal proceedings subject to the amendments set out in Schedule 4 to this Act.

Legal aid in  
criminal  
proceedings.

## PART VI

### SUPPLEMENTAL

**49.** The number of judges of the Court of Session who may be appointed shall be increased to seventeen, and accordingly section 1 (1) of the Administration of Justice (Scotland) Act 1948 shall have effect as if for the word "sixteen" there were substituted the word "seventeen".

Provision for  
additional  
judges.

**50.—**(1) Any power of the Secretary of State to make orders under this Act (other than orders made under section 11, section 12(1) or (3) or section 22) shall be exercisable by statutory instrument.

General  
provisions as  
to orders.

(2) A statutory instrument containing an order under section 12(2) or section 14 of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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

Interpretation

"fine" includes an instalment of a fine;

## PART VI

“impose detention” or “impose imprisonment” means pass a sentence of detention or imprisonment, as the case may be, or make an order for committal in default of payment of any sum of money or for failing to do or abstain from doing anything required to be done or left undone;

“prison” does not include a naval, military or air force prison.

(2) 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) For the purposes of any reference in this Act to a term of imprisonment or to a term of detention in a young offenders institution, consecutive terms and terms which are wholly or partly concurrent shall be treated as a single term.

(4) 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, his age at the material time shall be deemed to be or to have been that which appears to the court, after considering any available evidence, to be or to have been his age at that time.

(5) References in this Act to an offence punishable with imprisonment shall be construed in relation to any offender without regard to any prohibition or restriction imposed by section 1 of this Act and by section 18 (1) of the Criminal Justice (Scotland) Act 1949 (which subsection prohibits the imprisonment of persons under seventeen years of age) upon the imprisonment of offenders of his age.

(6) Any reference in this Act to any other enactment is a reference thereto as amended, and includes a reference thereto as extended or applied, by or under any other enactment, including this Act.

Minor and consequential amendments and repeals.

**52.—**(1) The enactments described in Schedule 5 to this Act shall have effect subject to the amendments specified therein, being minor amendments and amendments consequential on the foregoing provisions of this Act.

(2) The enactments described in Schedule 6 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(3) The amendment or repeal by this Act of any enactment described in the said Schedule 5 or Schedule 6 (except the amendment to section 33 (4) of the Prisons (Scotland) Act 1952

relating to young offenders institutions) shall not extend to that enactment in so far as it applies to any person—

PART VI

- (a) by virtue of his having been sentenced to borstal training before the commencement of section 4 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 18 of this Act.

**53.**—(1) The following provisions of this Act shall extend to England and Wales, that is to say:—

- section 26;
- sections 39 and 40;
- section 52;
- Schedules 3, 5 and 6, so far as they relate to enactments which extend to England and Wales.

Extension to  
England,  
Northern  
Ireland, the  
Isle of Man  
and the  
Channel  
Islands.

(2) The following provisions of this Act shall extend to Northern Ireland and the Channel Islands, that is to say—

- section 52;
- Schedule 5, so far as it relates to enactments which extend to Northern Ireland and the Channel Islands.

(3) The following provisions of this Act shall extend to the Isle of Man, that is to say—

- section 38;
- section 52;
- Schedule 5, so far as it relates to enactments which extend to the Isle of Man.

(4) Save as aforesaid, and except so far as it relates to the interpretation or commencement of the said provisions, this Act shall extend only to Scotland.

**54.**—(1) 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.

Financial  
provisions.

(2) There shall be defrayed out of the Consolidated Fund of the United Kingdom and out of moneys provided by Parliament respectively any increase attributable to section 49 of this Act in the sums required to be so defrayed.

**55.**—(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.

**56.** This Act may be cited as the Criminal Justice (Scotland) Act 1963.

Short title.

## SCHEDULES

Section 14.

## SCHEDULE 1

## SUPERVISION OF CERTAIN DISCHARGED PRISONERS

## PART I

## SUPERVISION WITHIN SCOTLAND

*General Provisions*

1. Subject to the provisions of this Schedule, every person to whom section 14 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 supervision, and shall, while under that supervision, be required—

- (a) to 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) to comply with the directions of his supervising officer as to conduct; and
- (c) to 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 Secretary of State 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 who is to be his supervising officer in the first instance, and specifying the requirements 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 14 of this Act for the time being applies.

3. At any time during the period referred to in paragraph 1 of this Schedule the Secretary of State may, by notice in writing given to a person under supervision as aforesaid,—

- (a) discharge him from supervision, or
- (b) replace as from a specified date his supervising officer by another supervising officer whose name and address shall be specified in that notice, or
- (c) cancel or modify any other of the requirements specified in his notice of supervision.

*Return to prison in case of breach of supervision*

4.—(1) If, on sworn information laid by or on behalf of the Secretary of State, it appears to the sheriff that a person, being under supervision under this Schedule, has failed to comply with any of the requirements imposed on him by his notice of supervision, the sheriff may issue a warrant for the arrest of that person or may, if he thinks fit, instead of issuing such a warrant in the first instance, issue a citation requiring the person to appear before him at such time as may be specified in the citation.

SCH. 1

(2) If it is proved to the satisfaction of the sheriff before whom a person appears or is brought in pursuance of the last foregoing sub-paragraph that the person has failed to comply with any of the requirements of the notice of supervision, the sheriff shall, unless having regard to all the circumstances of the case he considers it unnecessary or inexpedient to do so, order that he be sent back to prison 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 of three months ;

(b) a period equal to so much of the period of twelve months referred to in paragraph 1 of this Schedule as was unexpired on the date on which proceedings were commenced.

(3) Subject to the following provisions of this Schedule, the Summary Jurisdiction (Scotland) Act 1954 shall apply in relation to proceedings for an order as aforesaid as it applies in relation to proceedings in respect of a summary offence, and references in that Act to an offence, trial, conviction or sentence shall be construed accordingly.

5. Proceedings for an order under the last foregoing paragraph may be brought before a sheriff having jurisdiction in the area in which the supervising officer carries out his duties.

6. A warrant issued for the purposes of proceedings for an order under paragraph 4 above may, if the person laying the information so requests, bear an endorsement requiring any constable charged with its execution to communicate with the Secretary of State 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 Secretary of State.

7. Where a 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 such an order as could be made by a sheriff under paragraph 4 of this Schedule in proceedings for such an order.

8. The Secretary of State may at any time release from prison a person who has been sent back to prison under paragraph 4 or paragraph 7 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) that 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 paragraph 4 (2) (a) shall be reduced by any time during which he has been detained by virtue of the previous order.

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*Supplementary*

9. In any proceedings, a certificate purporting to be signed by or on behalf of the Secretary of State and certifying—

- (a) that a notice of supervision was given to any person in the terms specified in the certificate and on the date so specified ; and
- (b) either that no notice has been given to him under paragraph 3 of this Schedule or that a notice has been so given in the terms specified in the certificate,

shall be sufficient evidence of the matters so certified ; and the fact that a notice of supervision was given to any person shall be sufficient evidence that he was a person to whom section 14 of this Act applies.

10. For the purposes of Part III of the Criminal Justice Act 1961, a person who has been sent back to prison under paragraph 4 or paragraph 7 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

APPLICATION TO ENGLAND AND WALES, NORTHERN IRELAND,  
CHANNEL ISLANDS AND THE ISLE OF MAN*England and Wales and Northern Ireland*

11. In relation to proceedings in England and Wales or in Northern Ireland, paragraphs 4 to 7 shall not apply, but paragraphs 5 to 10 of Schedule 3 to the Criminal Justice Act 1961 shall apply as they apply in relation to proceedings in England and Wales and Northern Ireland respectively in respect of a person under supervision under that Schedule, subject to the modification that in paragraph 5 of the said Schedule 3 for sub-paragraphs (a) and (b) there shall be substituted sub-paragraphs (a) and (b) of paragraph 4(2) of this Schedule.

12. Where an order is made by any court in England and Wales or Northern Ireland under the enactments applied by the last foregoing paragraph sending back to prison a person under supervision, the court shall commit him to a prison in England and Wales or in Northern Ireland, as the case may be ; but the responsible Minister within the meaning of section 26 of the Criminal Justice Act 1961 may, without application in that behalf, make at any time an order under that section transferring him to a prison in Scotland.

13. In relation to a person detained by virtue of such an order as aforesaid in a prison in Northern Ireland, paragraph 8 (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 Secretary of State there were substituted references to the Ministry of Home Affairs for Northern Ireland.



*Channel Islands and Isle of Man*

SCH. 1

14. 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*

15. 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.

## SCHEDULE 2

Section 18.

## SUPERVISION OF PERSONS RELEASED FROM APPROVED SCHOOLS

## PART 1

## 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.

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.

(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 nineteen.

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 respectively 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

**SCH. 2** of the commencement of section 18 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 Scotland 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 (Scotland) Act 1937 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 Schedule 2 to the Children and Young Persons (Scotland) Act 1937 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.

(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 Scotland, 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 paragraph 6 (1) 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.

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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 18 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.

## SCHEDULE 3

Section 26.

## TRANSFER OF FINES

## PART I

*The Summary Jurisdiction (Scotland) Act 1954*

(2 &amp; 3 Eliz. 2. c. 48)

For section 44 there shall be substituted the following section:—

“ Transfer  
of fine  
orders.

44.—(1) Where a court of summary jurisdiction has imposed a fine on a person convicted of an offence and it appears to the court that he is residing—

(a) within the jurisdiction of another court of summary jurisdiction in Scotland, or

(b) in any petty sessions area in England and Wales,

the court, if no term of imprisonment has been fixed by the court in default of payment of the fine, may order that payment of the fine shall be enforceable by that other court of summary jurisdiction or in that petty sessions area, as the case may be.

(2) An order under this section (in this section referred to as a transfer of fine order) shall specify the court by which or the petty sessions area in which payment is to be enforceable and, where the court to be specified in a transfer of fine order is a court of summary jurisdiction, it shall, in any case where the fine was imposed by the sheriff court, be a sheriff court.

(3) Where a transfer of fine order is made with respect to any fine under this section, any functions under any enactment relating to that sum which, if no such order had been made, would have been exercisable by the court imposing the fine or by the clerk of that court shall cease to be so exercisable.

(4) Where a transfer of fine order within the meaning of this section or of section 72A of the Magistrates' Courts Act 1952, as amended by the Criminal Justice (Scotland) Act 1963, specifies a court of summary jurisdiction in Scotland, that court and the clerk of that court shall have all the like functions under this Part of this Act in respect of the fine or the sum in respect of which that order was made (including the power to make

SCH. 3

any further order under this section) as if the fine or the sum were a fine imposed by that court and as if any order made under this section or the said Act of 1952 in respect of the fine or the sum before the making of the transfer of fine order had been made by that court :

Provided that for the purpose of determining the period of imprisonment which may be imposed under this Act by any court having jurisdiction in respect of a sum adjudged to be paid by a conviction of a magistrates' court acting for a petty sessions area, section 49 of this Act shall have effect as if for the Table set out in subsection (1) of that section there were substituted the Table set out in paragraph 1 of Schedule 3 to the said Act of 1952 or that Table as modified by paragraph 3 of that Schedule, as the case may be."

## PART II

*The Magistrates' Courts Act, 1952*  
(15 & 16 Geo. 6. & 1 Eliz. 2. c. 55)

After section 72 there shall be inserted the following sections:—

" Transfer  
of fine  
orders,  
Scotland.

72A.—(1) Where a magistrates' court has by a conviction adjudged a person to pay a sum and it appears to the court that the offender is residing in Scotland, the court may, unless a term of imprisonment has been fixed in the event of a future default in paying the sum in question, by order direct that payment of that sum shall be enforceable by a court of summary jurisdiction in Scotland, being a court within whose jurisdiction it appears as aforesaid that the offender is residing.

(2) Any order under this section shall specify the court of summary jurisdiction by which payment of the sum in question is to be enforceable, and if that sum is twenty pounds or more, the court to be so specified shall be the sheriff court.

(3) Where an order is made under this section with respect to any sum, any functions under this Part of this Act relating to that sum which, if no such order had been made, would have been exercisable by the convicting court, or the clerk of that court, shall cease to be so exercisable.

Transfer  
of fine  
orders from  
Scotland.

72B.—(1) Where a transfer of fine order within the meaning of section 44 of the Summary Jurisdiction (Scotland) Act 1954 orders that payment of a fine shall be enforceable in a specified petty sessions area in England and Wales, a magistrates' court acting for that area, and the clerk of that court, shall, subject to the provisions of this section, have all like functions under this Part of this Act in respect of the fine (including power to make a transfer of fine order under section 72 or section 72A of this Act) as if the fine were a sum adjudged to be paid

by a conviction of that court and as if any order made under the said Act of 1954 in respect of the fine before the making of the transfer of fine order had been made by that court.

SCH. 3

(2) For the purpose of determining the period of imprisonment which may be imposed under this Act by any court having jurisdiction by virtue of such a transfer of fine order as aforesaid in default of payment of the fine to which the order relates (including any court having such jurisdiction by virtue of an order made in respect of that fine under section 72 of this Act), Schedule 3 to this Act shall have effect as if for the Table set out in paragraph 1 there were substituted the Table set out in section 49 (1) of the said Act of 1954 and as if paragraph 3 of that Schedule were omitted."

## SCHEDULE 4

Section 48.

## AMENDMENT OF LEGAL AID (SCOTLAND) ACT 1949

*Legal Aid in Criminal Proceedings*

In section 1, in subsection (6), the words from "or in connection" to "indictment)" shall be omitted and at the end of that subsection there shall be inserted the following subsection:—

"(6A) In criminal proceedings, a person shall not be given legal aid in connection with—

(i) summary proceedings unless—

(a) he is entitled to receive such aid by virtue of subsection (2) of the next following section, or

(b) the court considers that in all the circumstances of the case it is in the interests of justice that legal aid should be available to the accused and grants a legal aid certificate ;

(ii) proceedings by way of appeal against conviction or sentence (whether in summary proceedings or in proceedings on indictment) unless it appears that he has substantial grounds for taking those proceedings, and that it is reasonable that he should receive legal aid in the particular circumstances of the case."

In section 2,—

in subsection (1), after the word "aid", where first occurring, there shall be inserted the words "in connection with any civil proceedings", and at the end of that subsection there shall be inserted the following subsections:—

"(1A) Subject to this Part of this Act, legal aid in connection with criminal proceedings shall be available to an accused person where the court is satisfied after consideration of his financial circumstances that he is unable without undue hardship to himself or his dependants to meet the expenses of the case.

## SCH. 4

(1B) In the last foregoing subsection, "court" means—

(a) in relation to summary proceedings, the court before which the proceedings are being taken ;

(b) in relation to proceedings on indictment, the sheriff before whom the accused is taken for judicial examination ;

(c) in relation to an appeal by way of stated case from a court of summary jurisdiction, that court ;

(d) in relation to any other form of appeal, the court to which the appeal is made.

(1C) Where—

(a) in any case the court mentioned in paragraphs (a) or (b) of the last foregoing subsection has made legal aid available to an accused person in pursuance of this section, that person shall continue to be regarded as financially eligible for legal aid in connection with any subsequent proceedings (including proceedings by way of appeal) arising from the case ;

(b) legal aid has not been made available to an accused person and his case comes before the High Court of Justiciary, legal aid shall be available to him if that Court is satisfied of his financial eligibility as aforesaid ;

for subsection (2) there shall be substituted the following subsection :—

" (2) Notwithstanding the provisions of subsection (1A) of this section, legal aid shall be available in connection with criminal proceedings to an accused person without inquiry into his resources—

(a) where his case is being prosecuted under solemn procedure, and where no determination as to his eligibility for legal aid has been made for the purposes of that subsection, until, after being brought before the court for examination on declaration, he is admitted to bail or committed until liberated in due course of law, or

(b) where he is in custody and is being prosecuted summarily before the sheriff or in a juvenile court constituted in pursuance of section 51 of the Children and Young Persons (Scotland) Act 1937, until the conclusion of the first diet at which he is called upon to plead and of any application for liberation which may follow thereon or, where he has pleaded guilty at that diet, until the conclusion of the last subsequent diet fixed for the disposal of his case." ;

in subsection (3), in paragraph (c), after the word "contribution" there shall be inserted the words "in accordance with the next two following sections", and at the end of that paragraph there shall be inserted the words "in connection with any civil proceedings".

In section 6, in subsection (3), in the proviso, for paragraph (a) there shall be substituted the following paragraph :— SCH. 4

“(a) where in pursuance of arrangements made by the Law Society in accordance with any scheme for the time being in force under section 8 of this Act a solicitor is available in any court for the special purpose of giving legal aid in connection with criminal proceedings in that court, the scheme may specify proceedings in which an accused person shall not be entitled to legal aid in that court otherwise than by representation by that solicitor ; and”.

In section 15, in subsection (1), in paragraph (b), after the word “litigandi” there shall be inserted the words “or whether he has substantial grounds for taking proceedings by way of appeal against conviction or sentence”.

## SCHEDULE 5

Section 52.

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### *The Criminal Appeal (Scotland) Act 1926*

(16 & 17 Geo. 5. c. 15)

In section 11 (2), the words “for his use” shall be omitted.

#### *The Children and Young Persons (Scotland) Act 1937*

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

In section 86 (1) (b), for the words “or on licence” there shall be substituted the words “or under supervision”.

In section 87—

in subsection (1), after the word “Act”, there shall be inserted the words “and of the Criminal Justice (Scotland) Act 1963”;

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 (Scotland) Act 1963”.

In Schedule 2, in paragraph 9 (3), for the words “this Act shall have effect” there shall be substituted the words “this Act and the Criminal Justice (Scotland) Act 1963 shall have effect”.

#### *The Family Allowances Act 1945*

(8 & 9 Geo. 6 c. 41)

In section 26, after subsection (8), there shall be inserted the following subsection :—

“(8A) Section 11 shall have effect as if for paragraph (a) of subsection (1) there were substituted the following paragraph—

‘(a) during which the child’s detention in an approved school is authorised by an order made under any provision of the Children and Young Persons (Scotland) Act 1937, or by virtue of section 77 of that Act or of Part 1 of Schedule 2 to the Criminal Justice

## SCH. 5

(Scotland) Act 1963, and the child is not absent from the school under supervision ;’ ;  
and as if for the references to the Children and Young Persons Act 1933 and to section 53 thereof there were substituted respectively references to the Children and Young Persons (Scotland) Act 1937 and to section 57 thereof”.

*The Children Act 1948*  
(11 & 12 Geo. 6 c. 43)

In section 6 (4), for the words from the beginning of the subsection to the words “said paragraph 6” there shall be substituted the words “Where under Part I of Schedule 2 to the Criminal Justice Act 1961 or, as the case may be, to the Criminal Justice (Scotland) Act 1963 a child is under the supervision of the managers of an approved school, and it appears to the managers that the child has no home or that his home is unsatisfactory, then with the consent of the managers”.

*The Criminal Justice (Scotland) Act 1949*  
(12, 13 & 14 Geo. 6. c. 94)

In section 9 (1), for the words from “and of any subsequent proceedings” to “aggravation” there shall be substituted the words “and of laying it before a court as a previous conviction in subsequent proceedings for another offence”.

In section 20 (1), after the words “institution, the court” there shall be inserted the words “subject to section 3 of the Criminal Justice (Scotland) Act 1963”.

In section 21 (2) (a), after the word “more” there shall be inserted the words “or remitted thereto for sentence in respect of such an offence”.

In section 70 (2), for the words “seventy-seven and seventy-eight” there shall be substituted the words “and seventy-seven”.

In section 78 (4), after the word “under” there shall be inserted the words “any enactment including”.

*The Prisons (Scotland) Act 1952*  
(15 & 16 Geo. 6. & 1 Eliz. 2. c. 61.)

In section 9, the words “the whole of” shall be omitted.

For section 16 (1) there shall be substituted the following subsections—

“(1) Where a prisoner who is serving a sentence of thirty-one days or less would, but for this subsection, be discharged on a Sunday, he shall be discharged on the immediately preceding Saturday.

(1A) Where a prisoner who is serving a sentence of more than thirty-one days would, but for this subsection, be discharged on a Saturday or Sunday, he shall be discharged on the preceding Friday.”

In section 18—

in subsection (1), for the words from “and a secretary” to the end of the subsection there shall be substituted the words “of the Council” ;



in subsection (3), the words from “and (b)” to the word “subsistence” shall be omitted;

after subsection (3), there shall be inserted the following subsection:—

“(3A) The Secretary of State may provide the services of a secretary and such office accommodation at which communications will be received, as the Council may require”.

In section 19 (3), for the words from “the supervision” to the word “specified” there shall be substituted the word “supervision”.

In section 28 (2), after the words “detention centre” there shall be inserted the words “young offenders institution”.

In section 31—

in subsection (1), at the end of paragraph (b) the word “and” shall be omitted;

in subsections (3) and (4) (other than paragraph (iv) of the proviso to subsection (4)), after the words “detention centre” or “detention centres”, wherever occurring, there shall be inserted respectively the words “young offenders institution” and “young offenders institutions”, and in the said paragraph (iv) for the words “or detention centres” there shall be substituted the words “detention centres or young offenders institutions”.

In section 33—

in subsection (2), for the words “three years” there shall be substituted the words “two years”;

in subsection (3), for the words from the beginning to the words “so specified” there shall be substituted the words “A person shall, after his release from a borstal institution and until the expiration of one year from the date of his release, be required to be under the supervision of such person as may be specified in a notice to be given to him by the Secretary of State on his release, and shall, while under that supervision, comply with such other requirements as may be so specified”.

in subsection (4), for the words “Borstal institution”, except where those words first occur, there shall be substituted the words “young offenders institution”, for the words “one year” there shall be substituted the words “three months” and, in proviso (a), for the words “three years from the date of the sentence” there shall be substituted the words “one year from the date of his release”.

in subsection (5), for the words “Borstal institution” there shall be substituted the words “young offenders institution”.

In section 34, after the word “institution” there shall be inserted the words “or a young offenders institution”.

In section 35—

in subsection (1), after the words “detention centres” there shall be inserted the words “young offenders institutions”;

## SCH. 5

in subsection (6), after the words "preventive detention" there shall be inserted the words "detention in a young offenders institution".

In section 37—

in subsection (1), after the words "preventive detention" there shall be inserted the words "detention in a young offenders institution";

in subsection (2), after the words "preventive detention", there shall be inserted the words "detention in a young offenders institution", and after the word "prison", in both places where it occurs, there shall be inserted the words "young offenders institution".

*The Summary Jurisdiction (Scotland) Act 1954*

(2 & 3 Eliz. 2. c. 48.)

In section 3, in paragraph (b), for the words "ten pounds" there shall be substituted the words "fifty pounds", and in paragraph (c), for the words "twenty pounds" there shall be substituted the words "fifty pounds".

In section 4, in subsection (2), for paragraphs (c), (d) and (e) there shall be substituted the following paragraphs—

"(c) theft or reset of theft,  
falsehood, fraud or wilful imposition,  
breach of trust or embezzlement,  
all to an amount exceeding twenty-five pounds;

(d) any of the offences specified in the last foregoing paragraph, or any attempt thereat, where the accused is known to have been previously convicted of any offence inferring dishonest appropriation of property."

In section 7 (1), in paragraphs (a) and (b), for the words "twenty-five pounds" there shall be substituted the words "one hundred and fifty pounds".

In section 20 (1), for the words "such warrant" there shall be substituted the words "warrant of apprehension or search".

In section 21, for the word "fourteen" there shall be substituted the word "twenty-one".

In section 26 (4), after the words "detention centre" there shall be inserted the words "young offenders institution".

In section 31 (1), for the words "forming an aggravation of any offence libelled in the complaint" there shall be substituted the words "and the prosecutor has decided to lay a previous conviction before the court".

In section 33 (1), for the words "three pounds" there shall be substituted the words "twenty-five pounds".

In section 40, in paragraph (b), for the words "twenty-five pounds" there shall be substituted the words "one hundred pounds".

In section 45 (2), for the words "legalised police cells" there shall be substituted the words "any other place in which a person may be lawfully detained in default of payment of a fine".

For section 48 there shall be substituted the following section:—

“Imprisonment in default of payment of fine.

48. Subject to the provisions of sections 42 to 43C of this Act, where a court of summary jurisdiction has imposed a fine on any person, the court may impose a period of imprisonment in default of payment thereof, whether or not the statute or order under which the fine is imposed makes any provision for its recovery, but that period shall not exceed the maximum period applicable to the fine under section 49 of this Act.”

In section 50, at the end there shall be added the following subsection:—

“(3) Proceedings by civil diligence under this section may be adopted at any time after the imposition of the fine to which they relate :

Provided that no such proceedings shall be authorised after the court has imposed imprisonment in default of payment of the fine.”

In section 76 (1) (a), at the end there shall be inserted “or, so far as they relate to summary jurisdiction or procedure, of the Criminal Justice (Scotland) Act 1949 or the Criminal Justice (Scotland) Act 1963.”

In section 77, after the definition of “Borstal training” and “Detention centre” there shall be inserted the following definition:—

“‘Complaint’ includes a copy of the complaint laid before the court :”.

*The First Offenders Act 1958*

(6 & 7 Eliz. 2, c. 31.)

For section 1 (3), there shall be substituted the following subsections:—

“(3) A person falling to be dealt with for an offence shall be treated for the purposes of this Act as a first offender if, but only if, he has not since attaining the age of seventeen been convicted by a court in any part of the United Kingdom of any other offence except an offence not punishable with imprisonment.

(4) In determining for the purposes of this section whether a person has been convicted of an offence, no account shall be taken of any of the following enactments, that is to say—

- (a) section 12 of the Criminal Justice Act 1948 (under which a conviction leading to probation or discharge is to be disregarded except as therein mentioned) ;
- (b) section 9 of the Criminal Justice (Scotland) Act 1949 (which makes similar provision in respect of convictions on indictment in Scotland) ;
- (c) section 8 of the Probation Act (Northern Ireland) 1950 (which corresponds with the said section 12) or any corresponding enactment of the Parliament of Northern Ireland for the time being in force ;

and any order made by a court of summary jurisdiction in Scotland under section 1 or section 2 of the said Act of 1949 shall be treated as a conviction.

## SCH. 5

(5) In this section 'court' does not include a court-martial, and 'offence not punishable with imprisonment' means an offence for which no offender may be sentenced to imprisonment."

*First Offenders (Scotland) Act 1960*  
(8 & 9 Eliz. 2 c. 23)

In section 1—

in subsection (1), for the words from "eighteen" to the words "1949" there shall be substituted the words "1 of the Criminal Justice (Scotland) Act 1963";

in subsection (2), for the words from "eighteen" to the word "proceedings)" there shall be substituted the word "1";

for subsection (3), there shall be substituted the following subsections:—

"(3) A person falling to be dealt with for an offence shall be treated for the purposes of this Act as a first offender if, but only if, he has not since attaining the age of seventeen been convicted of any other offence, except an offence not punishable with imprisonment.

(3A) In determining for the purposes of subsection (3) of this section whether a person has been convicted of an offence, no account shall be taken of any of the following enactments, that is to say—

(a) section 9 of the Criminal Justice (Scotland) Act 1949 (under which a conviction leading to probation or discharge is to be disregarded except as therein mentioned);

(b) section 12 of the Criminal Justice Act 1948 (which makes similar provision in respect of convictions on indictment in England and Wales);

(c) section 8 of the Probation Act (Northern Ireland) 1950 (which corresponds with the said section 9) or any corresponding enactment of the Parliament of Northern Ireland for the time being in force;

and any order made by a court of summary jurisdiction under section 1 or section 2 of the said Act of 1949 shall be treated as a conviction.

(3B) For the purposes of subsection (3) of this section, a previous conviction shall be disregarded after the expiration of a period of ten years from the date of that conviction, being a period exclusive of any period during which the offender was in custody under sentence in respect of the conviction.

(3C) In this section 'court' does not include a court-martial, and 'offence not punishable with imprisonment' means an offence for which no offender may be sentenced to imprisonment."

*Mental Health (Scotland) Act 1960*  
(8 & 9 Eliz. 2 c. 61)

In Schedule 3, in paragraph 9—

in sub-paragraph (3), after the word "applies" there shall be inserted the words "or a patient who was immediately before the commencement of this Act subject to guardianship by virtue of an order under section 24 of the Criminal Justice (Scotland) Act 1949";

in sub-paragraph (4), for the words from "in any" to "Schedule" there shall be substituted the words "excepted from the operation of the last foregoing sub-paragraph".

SCH. 5

*Criminal Justice Act 1961*

(9 & 10 Eliz. 2 c. 39)

In section 32 (2), in paragraph (b), the word "twenty" shall be omitted, and at the end of the paragraph there shall be inserted the words "and sections 11, 12 and 14 of the Criminal Justice (Scotland) Act 1963 and Schedule 1 to that Act."

In section 34 (6), after the words "or detention centre" there shall be inserted the words "or who, immediately before his removal, was undergoing a sentence of detention in a young offenders institution in Scotland", and at the end of the subsection there shall be added the words "and subsections (3) to (5) of this section shall apply to any person in whose case such a direction is given as if he had been removed under this section".

In section 38 (5) (a), after the word "sentence", where first occurring, there shall be inserted the words "of detention in a young offenders institution passed in Scotland, and a sentence".

In section 39 (1), after paragraph (b) there shall be inserted the following paragraph—

"(bb) in relation to a person sentenced to imprisonment when under twenty-one years of age who is so removed to Scotland, a young offenders institution ;".

SCHEDULE 6

Section 52.

ENACTMENTS REPEALED

| Session and Chapter         | Short Title                                         | Extent of Repeal                                                                                                                                                                                                                                                                                                                   |
|-----------------------------|-----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 & 2 Vict. c. 119.         | The Sheriff Courts (Scotland) Act 1838.             | In section 25, the proviso.                                                                                                                                                                                                                                                                                                        |
| 2 & 3 Vict. c. 47.          | The Metropolitan Police Act 1839.                   | Section 12.                                                                                                                                                                                                                                                                                                                        |
| 34 & 35 Vict. c. 112.       | The Prevention of Crimes Act 1871.                  | Section 6, so far as relating to Scotland.                                                                                                                                                                                                                                                                                         |
| 50 & 51 Vict. c. 35.        | The Criminal Procedure (Scotland) Act 1887.         | Sections 63 to 65.<br>In section 67, the words from "but where" to the end of the section.                                                                                                                                                                                                                                         |
| 16 & 17 Geo. 5. c. 15.      | The Criminal Appeal (Scotland) Act 1926.            | In section 11 (2), the words "for his use".                                                                                                                                                                                                                                                                                        |
| 1 Edw. 8 & 1 Geo. 6. c. 37. | The Children and Young Persons (Scotland) Act 1937. | Section 78.<br>In section 86 (1) (b), the words "or upon the revocation of his licence".<br>In section 91 (5), the words "on licence or".<br>In Schedule 2, paragraph 6; in paragraph 8, the words from "if authorised" to the words "so to do"; and, in paragraph 12, the words "on licence or", in both places where they occur. |

## SCH. 6

| Session and Chapter                 | Short Title                                   | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-------------------------------------|-----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 8 & 9 Geo. 6. c. 41.                | The Family Allowances Act 1945.               | In section 26 (3), the words from the beginning of the subsection to the words "seventy-eight thereof;"                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 12, 13 & 14 Geo. 6. c. 94.          | The Criminal Justice (Scotland) Act 1949.     | <p>In section 9 (5), the words "which constitutes an aggravation of the first mentioned offence".</p> <p>Section 18 (2) to (5).<br/>Sections 19 and 22.</p> <p>In section 39 (1), in paragraph (b), the words "as an aggravation of any charge contained in the indictment"; in paragraph (d), the words "as an aggravation of the charge".</p> <p>In section 70 (2), the words "and to supervision and recall".</p> <p>In Schedule 7, in Form No. 1, the words "as aggravations of the said charge".</p> <p>Section 119 (2).</p> |
| 15 & 16 Geo. 6. & 1 Eliz. 2. c. 55. | The Magistrates' Courts Act 1952.             | Section 119 (2).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 15 & 16 Geo. 6. & 1 Eliz. 2. c. 61. | The Prisons (Scotland) Act 1952.              | <p>In section 9, the words "the whole of".</p> <p>In section 20, subsections (2) to (6).<br/>Section 23.<br/>Section 31 (4) (a).<br/>Schedule 1.</p>                                                                                                                                                                                                                                                                                                                                                                              |
| 2 & 3 Eliz. 2. c. 48.               | The Summary Jurisdiction (Scotland) Act 1954. | <p>Section 2, so far as relating to sections 63 to 65 of the Criminal Procedure (Scotland) Act 1887.<br/>Section 18 (3).<br/>In section 22, the second sentence.<br/>Section 31 (5).<br/>Section 49 (2).<br/>In Schedule 1, the incorporation of sections 63 and 65 of the Criminal Procedure (Scotland) Act 1887.<br/>Section 1 (4).</p>                                                                                                                                                                                         |
| 8 & 9 Eliz. 2. c. 23.               | The First Offenders (Scotland) Act 1960.      | Section 1 (4).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 9 & 10 Eliz. 2. c. 39.              | The Criminal Justice Act 1961.                | <p>In Schedule 4, the amendment of section 6 of the Children Act 1948.<br/>In Schedule 5, the repeal in section 6 of the Children Act 1948.</p>                                                                                                                                                                                                                                                                                                                                                                                   |
| 10 & 11 Eliz. 2. c. 59.             | The Road Traffic Act 1962.                    | Section 39.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

*Table of Statutes referred to in this Act*

| Short Title                                               | Session and Chapter                |
|-----------------------------------------------------------|------------------------------------|
| Sheriff Courts (Scotland) Act, 1838 ...                   | 1 & 2 Vict. c. 119.                |
| Metropolitan Police Act, 1839 ... ..                      | 2 & 3 Vict. c. 47.                 |
| Indictable Offences Act, 1848 ... ..                      | 11 & 12 Vict. c. 42.               |
| Prevention of Crimes Act, 1871 ... ..                     | 34 & 35 Vict. c. 112.              |
| Summary Jurisdiction (Process) Act, 1881                  | 44 & 45 Vict. c. 24.               |
| Criminal Procedure (Scotland) Act, 1887                   | 50 & 51 Vict. c. 35.               |
| Summary Jurisdiction (Scotland) Act, 1908                 | 8 Edw. 7. c. 65.                   |
| Bankruptcy Act, 1914 ... ..                               | 4 & 5 Geo. 5. c. 59.               |
| Criminal Appeal (Scotland) Act, 1926 ...                  | 16 & 17 Geo. 5. c. 15.             |
| Children and Young Persons (Scotland)<br>Act, 1937 ... .. | 1 Edw. 8 & 1 Geo. 6. c. 37.        |
| Criminal Justice Act, 1948 ... ..                         | 11 & 12 Geo. 6. c. 58.             |
| Administration of Justice (Scotland) Act,<br>1948 ... ..  | 12, 13 & 14 Geo. 6. c. 10.         |
| Legal Aid (Scotland) Act, 1949 ... ..                     | 12, 13 & 14 Geo. 6. c. 63.         |
| Criminal Justice (Scotland) Act, 1949 ...                 | 12, 13 & 14 Geo. 6. c. 94.         |
| 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. |
| Summary Jurisdiction (Scotland) Act, 1954                 | 2 & 3 Eliz. 2. c. 48.              |
| Army Act, 1955 ... ..                                     | 3 & 4 Eliz. 2. c. 18.              |
| Air Force Act, 1955 ... ..                                | 3 & 4 Eliz. 2. c. 19.              |
| Police (Scotland) Act, 1956 ... ..                        | 4 & 5 Eliz. 2. c. 26.              |
| Magistrates' Courts Act, 1957 ... ..                      | 5 & 6 Eliz. 2. c. 29.              |
| Naval Discipline Act, 1957 ... ..                         | 5 & 6 Eliz. 2. c. 53.              |
| First Offenders Act, 1958 ... ..                          | 6 & 7 Eliz. 2. c. 31.              |
| First Offenders (Scotland) Act, 1960 ...                  | 8 & 9 Eliz. 2. c. 23.              |
| Mental Health (Scotland) Act, 1960 ...                    | 8 & 9 Eliz. 2. c. 61.              |
| Criminal Justice Act, 1961 ... ..                         | 9 & 10 Eliz. 2. c. 39.             |

1963 CHAPTER 40

An Act to extend the area of operation and alter the name of the Colonial Development Corporation; and to amend sections 1, 4 and 6 of the Colonial Development and Welfare Act 1959. [31st July 1963]

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

1.—(1) Subject to the provisions of this section, the Overseas Resources Development Act 1959 (in this section referred to as the principal Act) shall apply in relation to—

(a) any overseas country or territory within the Commonwealth which is not a colonial territory as defined by that Act,

Extension of powers and re-naming of Colonial Development Corporation. 7 & 8 Eliz. 2. c. 23.

not being a country which had become an independent sovereign country before 11th February 1948 or a territory administered by the government of such a country; and

(b) the New Hebrides;

as it applies in relation to a colonial territory as so defined; and references in that Act to a colonial territory or colonial territories shall be construed accordingly.

11 & 12 Geo.  
6. c. 15.

(2) The Corporation established by the Overseas Resources Development Act 1948, and continued by section 1 of the principal Act by the name of the Colonial Development Corporation, shall be known as the Commonwealth Development Corporation.

(3) The Secretary of State may give directions to the Corporation requiring it to obtain his approval, in such cases as may be specified in the directions, before performing functions in or in relation to any Commonwealth country or territory to which the principal Act applies by virtue of paragraph (a) of subsection (1) of this section, and may give such approval subject to such conditions as he thinks fit; and section 8 and section 9(2)(b) of that Act (consultation with local interests and governments) shall not apply in relation to the performance of functions in any such country or territory.

5 & 6 Eliz. 2.  
c. 20.

(4) In Part II of Schedule 1 to the House of Commons Disqualification Act 1957 (bodies of which all members are disqualified under that Act), for the entry relating to the Colonial Development Corporation there shall be substituted (at the appropriate point in alphabetical order) the following entry:—

“The Commonwealth Development Corporation”;

and the like amendment shall be made in the Part substituted for the said Part II by Schedule 3 to that Act in its application to the Senate and House of Commons of Northern Ireland.

(5) Subsections (1), (3) and (4) of section 5 of the principal Act are hereby repealed.

Amendments  
of Colonial  
Development  
and Welfare  
Act 1959.  
7 & 8 Eliz. 2.  
c. 71.

2.—(1) So much of section 1 of the Colonial Development and Welfare Act 1959 as requires the concurrence of the Treasury in the making of schemes under that section shall not apply to any scheme which satisfies such conditions as to cost and otherwise as the Treasury may from time to time determine.

(2) The following provisions shall have effect in substitution for section 4 of the said Act, that is to say—

(a) the sums to be paid out of moneys provided by Parliament for the purposes of schemes within the meaning of that



Act shall not exceed £30 million in the year ending on 31st March 1964 nor £55 million in the two years ending on 31st March 1965, and shall not exceed £340 million in all (excluding sums so paid before 1st April 1946);

- (b) no such scheme shall continue in force after 31st March 1966 except so far as it makes provision for the payment out of moneys provided by Parliament of pensions, allowances or other benefits in respect of injuries or diseases, or aggravation of diseases, incurred by persons engaged in activities carried on for the purposes of such schemes;
- (c) proposals for loans under section 2 of that Act shall not be approved so that the aggregate amount of such loans exceeds £20 million in respect of the proposals approved in the year ending on 31st March 1964 or £35 million in respect of the proposals approved in the two years ending on 31st March 1965, or £105 million in all; and
- (d) no proposals for loans under that section shall be approved after 31st March 1966, and no moneys shall be lent under that section after 31st March 1969.

(3) In section 6(2) of the said Act (power to make and continue schemes for joint benefit of former colony and other colony), for the words " if (in either case) the government of the former colony has undertaken to bear a reasonable share of the cost of the scheme " there shall be substituted the words " but (in either case) the sums paid out of moneys so provided, together with any contribution made by or on behalf of the government of the other colony, shall not exceed such share of the cost of the project to which the scheme relates as appears to the Secretary of State to be proportionate to the share of that colony in the benefits of that project ".

3.—(1) This Act may be cited as the Commonwealth Development Act 1963. Short title  
and citation.

(2) This Act, so far as it amends the Overseas Resources Development Act 1959, may be cited together with that Act as the Overseas Resources Development Acts 1959 and 1963.

(3) This Act, so far as it amends the Colonial Development and Welfare Act 1959, may be cited together with that Act as the Colonial Development and Welfare Acts 1959 and 1963.



## 1963 CHAPTER 41

*Offices, Shops and Railway Premises Act 1963*

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## Section

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91. Short title, commencement, extent and repeal.

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An Act to make fresh provision for securing the health, safety and welfare of persons employed to work in office or shop premises and provision for securing the health, safety and welfare of persons employed to work in certain railway premises ; to amend certain provisions of the Factories Act 1961 ; and for purposes connected with the matters aforesaid. [31st July 1963]

**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:—

*Scope of Act*

1.—(1) The premises to which this Act applies are office premises, shop premises and railway premises, being (in each case) premises in the case of which persons are employed to work therein. Premises to which this Act applies.

(2) In this Act—

- (a) “ office premises ” means a building or part of a building, being a building or part the sole or principal use of which is as an office or for office purposes ;
- (b) “ office purposes ” includes the purposes of administration, clerical work, handling money and telephone and telegraph operating ; and
- (c) “ clerical work ” includes writing, book-keeping, sorting papers, filing, typing, duplicating, machine calculating, drawing and the editorial preparation of matter for publication ;

and for the purposes of this Act premises occupied together with office premises for the purposes of the activities there carried on shall be treated as forming part of the office premises.

(3) In this Act—

(a) “shop premises” means—

(i) a shop;

(ii) a building or part of a building, being a building or part which is not a shop but of which the sole or principal use is the carrying on there of retail trade or business;

(iii) a building occupied by a wholesale dealer or merchant where goods are kept for sale wholesale or a part of a building so occupied where goods are so kept, but not including a warehouse belonging to the owners, trustees or conservators of a dock, wharf or quay;

(iv) a building to which members of the public are invited to resort for the purpose of delivering there goods for repair or other treatment or of themselves there carrying out repairs to, or other treatment of, goods, or a part of a building to which members of the public are invited to resort for that purpose;

(v) any premises (in this Act referred to as “fuel storage premises”) occupied for the purpose of a trade or business which consists of, or includes, the sale of solid fuel, being premises used for the storage of such fuel intended to be sold in the course of that trade or business, but not including dock storage premises or colliery storage premises;

(b) “retail trade or business” includes the sale to members of the public of food or drink for immediate consumption, retail sales by auction and the business of lending books or periodicals for the purpose of gain;

(c) “solid fuel” means coal, coke and any solid fuel derived from coal or of which coal or coke is a constituent;

(d) “dock storage premises” means fuel storage premises which constitute or are comprised in premises to which certain provisions of the Factories Act 1961 apply by virtue of section 125(1) (docks, etc.) of that Act; and

(e) “colliery storage premises” means fuel storage premises which form part of premises which, for the purposes of the Mines and Quarries Act 1954, form part of a mine or quarry, other than premises where persons are regularly employed to work by a person other than the owner (as defined by that Act) of the mine or quarry;

and for the purposes of this Act premises occupied together with a shop or with a building or part of a building falling within sub-paragraph (ii), (iii) or (iv) of paragraph (a) above for the purposes of the trade or business carried on in the shop or, as the

case may be, the building or part of a building, shall be treated as forming part of the shop or, as the case may be, of the building or part of the building, and premises occupied together with fuel storage premises for the purposes of the activities there carried on (not being office premises) shall be treated as forming part of the fuel storage premises, but for the purposes of this Act office premises comprised in fuel storage premises shall be deemed not to form part of the last-mentioned premises.

(4) In this Act “ railway premises ” means a building occupied by railway undertakers for the purposes of the railway undertaking carried on by them and situate in the immediate vicinity of the permanent way or a part (so occupied) of a building so situate, but does not include—

- (a) office or shop premises ;
- (b) premises used for the provision of living accommodation for persons employed in the undertaking, or hotels ; or
- (c) premises wherein are carried on such processes or operations as are mentioned in section 123(1) (electrical stations) of the Factories Act 1961 and for such supply as is therein mentioned.

(5) For the purposes of this Act premises maintained in conjunction with office, shop or railway premises for the purpose of the sale or supply for immediate consumption of food or drink wholly or mainly to persons employed to work in the premises in conjunction with which they are maintained shall, if they neither form part of those premises nor are required by the foregoing provisions of this section to be treated as forming part of them, be treated for the purposes of this Act as premises of the class within which fall the premises in conjunction with which they are maintained.

2.—(1) This Act shall not apply to any premises to which it would, apart from this subsection, apply, if none of the persons employed to work in the premises is other than the husband, wife, parent, grandparent, son, daughter, grandchild, brother or sister of the person by whom they are so employed.

Exception for premises in which only employer's relatives or outworkers work.

(2) A dwelling shall not, for the purposes of this Act, be taken to constitute or comprise premises to which this Act applies by reason only that a person dwelling there who is employed by a person who does not so dwell does there the work that he is employed to do in compliance with a term of his contract of service that he shall do it there.

3.—(1) This Act shall not apply to any premises to which it would, apart from this subsection, apply, if the period of time worked there during each week does not normally exceed twenty-one hours.

Exception for premises where only 21 man-hours weekly normally worked.

(2) For the purposes of this section the period of time worked in any premises shall be deemed to be—

(a) as regards a week in which one person only is employed to work in the premises, the period of time worked by him there ;

(b) as regards a week in which two persons or more are so employed, the sum of the periods of time for which respectively those persons work there.

(3) The Minister may by regulations direct that, in relation to premises generally, or any class of premises, subsection (1) of this section shall have effect with the substitution, for the reference to twenty-one hours, of a reference to such lesser number of hours as may be specified in the regulations.

*Health, Safety and Welfare of Employees*  
(General Provisions)

Cleanliness.

4.—(1) All premises to which this Act applies, and all furniture, furnishings and fittings in such premises shall be kept in a clean state.

(2) No dirt or refuse shall be allowed to accumulate in any part of premises to which this Act applies in which work, or through which pass, any of the persons employed to work in the premises ; and the floors of, and any steps comprised in, any such part as aforesaid shall be cleaned not less than once a week by washing or, if it is effective and suitable, by sweeping or other method.

(3) The Minister may by regulations made as respects premises to which this Act applies, or any class of such premises, require that, in addition to the taking of the steps whose taking is requisite to secure compliance with the last foregoing subsection, there shall be taken, for the purpose of securing the cleanliness of premises to which the regulations apply and of the furniture, furnishings and fittings therein, such steps as may be prescribed by the regulations.

(4) Neither subsection (2) of this section nor anything in regulations under the last foregoing subsection shall be construed as being in derogation of the general obligation imposed by subsection (1) of this section.

(5) Nothing in this section or in regulations thereunder shall apply to fuel storage premises which are wholly in the open, and, in the case of such premises which are partly in the open, so much of them as is in the open shall, for the purposes of this section and of such regulations, be treated as not forming part of the premises.

Overcrowding.

5.—(1) No room comprised in, or constituting, premises to which this Act applies shall, while work is going on therein, be so overcrowded as to cause risk of injury to the health of persons working therein ; and in determining, for the purposes of this



subsection, whether any such room is so overcrowded as aforesaid, regard shall be had (amongst other things) not only to the number of persons who may be expected to be working in the room at any time but also to the space in the room occupied by furniture, furnishings, fittings, machinery, plant, equipment, appliances and other things (whether similar to any of those aforesaid or not).

(2) The number of persons habitually employed at a time to work in such a room as aforesaid shall not be such that the quotient derived by dividing by that number the number which expresses in square feet the area of the surface of the floor of the room is less than forty or the quotient derived by dividing by the first-mentioned number the number which expresses in cubic feet the capacity of the room is less than four hundred.

(3) Subsection (2) of this section—

- (a) shall not prejudice the general obligation imposed by subsection (1) thereof ;
- (b) shall not apply to a room to which members of the public are invited to resort ; and
- (c) shall not, in the case of a room comprised in, or constituting, premises of any class (being a room which at the passing of this Act is comprised in, or constitutes, premises to which this Act applies), have effect until the expiration of the period of three years beginning with the day on which the said subsection (1) comes into force as respects premises of that class.

6.—(1) Effective provision shall be made for securing and maintaining a reasonable temperature in every room comprised in, or constituting, premises to which this Act applies, being a room in which persons are employed to work otherwise than for short periods, but no method shall be used which results in the escape into the air of any such room of any fume of such a character and to such extent as to be likely to be injurious or offensive to persons working therein. Temperature.

(2) Where a substantial proportion of the work done in a room to which the foregoing subsection applies does not involve severe physical effort, a temperature of less than 16 degrees Centigrade (which is equivalent to 60·8 degrees Fahrenheit) shall not be deemed, after the first hour, to be a reasonable temperature while work is going on.

(3) The foregoing subsections shall not apply—

- (a) to a room which comprises, or is comprised in or constitutes, office premises, being a room to which members of the public are invited to resort, and in which the maintenance of a reasonable temperature is not reasonably practicable ; or
- (b) to a room which comprises, or is comprised in or constitutes, shop or railway premises, being a room in

which the maintenance of a reasonable temperature is not reasonably practicable or would cause deterioration of goods ;

but there shall be provided for persons who are employed to work in a room to which, but for the foregoing provisions of this subsection, subsection (1) of this section would apply, conveniently accessible and effective means of enabling them to warm themselves.

(4) In premises to which this Act applies there shall, on each floor on which there is a room to which subsection (1) of this section applies, be provided in a conspicuous place and in such a position as to be easily seen by the persons employed to work in the premises on that floor a thermometer of a kind suitable for enabling the temperature in any such room on that floor to be readily determined ; and a thermometer provided in pursuance of this subsection shall be kept available for use by those persons for that purpose.

(5) The Minister may, by regulations for premises to which this Act applies, or for any class of such premises, prescribe a standard of reasonable temperature (which may vary the standard prescribed by subsection (2) of this section and to which conformity shall be obligatory and a sufficient compliance with subsection (1) of this section so far as it relates to temperature) 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 specified places and positions in addition to any required by subsection (4) of this section to be provided.

(6) It shall be the duty of the employer of persons for whom means of enabling them to warm themselves are provided in pursuance of subsection (3) of this section to afford them reasonable opportunities for using those means, and if he fails so to do he shall be guilty of an offence.

(7) In this section "fume" includes gas or vapour.

#### Ventilation.

7.—(1) Effective and suitable provision shall be made for securing and maintaining, by the circulation of adequate supplies of fresh or artificially purified air, the ventilation of every room comprised in, or constituting, premises to which this Act applies, being a room in which persons are employed to work.

(2) The Minister may by regulations prescribe, for premises to which this Act applies or for any class of such premises, a standard of adequate ventilation conformity to which shall be obligatory and a sufficient compliance with the foregoing subsection.

#### Lighting.

8.—(1) Effective provision shall be made for securing and maintaining, in every part of premises to which this Act applies

in which persons are working or passing, sufficient and suitable lighting, whether natural or artificial.

(2) The Minister may by regulations made as respects premises to which this Act applies, or any class of such premises, prescribe a standard of lighting conformity to which shall be obligatory and a sufficient compliance with the foregoing subsection.

(3) All glazed windows and skylights used for the lighting of any part of premises to which this Act applies in which work, or through which pass, any of the persons employed to work in the premises shall, so far as reasonably practicable, be kept clean on both the inner and outer surfaces and free from obstruction ; but this subsection shall not affect the white-washing or shading of windows or skylights for the purpose of mitigating heat or glare.

(4) All apparatus installed at premises to which this Act applies for producing artificial lighting thereat in parts in which the securing of lighting is required by this section to be provided for shall be properly maintained.

9.—(1) There shall, in the case of premises to which this Act applies, be provided, at places conveniently accessible to the persons employed to work in the premises, suitable and sufficient sanitary conveniences for their use. Sanitary conveniences.

(2) Conveniences provided in pursuance of the foregoing subsection shall be kept clean and properly maintained and effective provision shall be made for lighting and ventilating them.

(3) The Minister may make regulations determining for premises to which this Act applies, or for any class of such premises, what is suitable and sufficient provision for the purposes of subsection (1) of this section.

(4) Regulations under this section may provide that, where persons of both sexes are employed to work in premises to which the regulations apply, provision shall be deemed not to be suitable for the purposes of subsection (1) of this section unless it affords proper separate accommodation for persons of each sex.

(5) Subsection (1) of this section shall be deemed to be complied with in relation to any premises as regards any period during which there are in operation arrangements for enabling the persons employed to work in the premises to have the use of sanitary conveniences provided for the use of others, being conveniences whose provision would have constituted compliance with that subsection had they been provided in pursuance thereof for the first-mentioned persons and with respect to which the requirements of subsection (2) of this section are satisfied.

(6) Neither sections 44 to 46 of the Public Health Act 1936 nor section 29 of the Public Health (Scotland) Act 1897 nor section 106 of the Public Health (London) Act 1936 (which

relate to the provision and repair of sanitary conveniences for factories, &c.) shall apply to premises to which this Act applies.

Washing facilities.

10.—(1) There shall, in the case of premises to which this Act applies, be provided, at places conveniently accessible to the persons employed to work in the premises, suitable and sufficient washing facilities, including 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.

(2) Every place where facilities are provided in pursuance of this section shall be provided with effective means of lighting it and be kept clean and in orderly condition, and all apparatus therein for the purpose of washing or drying shall be kept clean and be properly maintained.

(3) The Minister may make regulations determining, for premises to which this Act applies, or for any class of such premises, what is suitable and sufficient provision for the purposes of subsection (1) of this section.

(4) Regulations under this section may provide that, where persons of both sexes are employed to work in premises to which the regulations apply, provision shall be deemed not to be suitable for the purposes of subsection (1) of this section unless it affords proper separate accommodation for persons of each sex.

(5) Subsection (1) of this section shall be deemed to be complied with in relation to any premises as regards any period during which there are in operation arrangements for enabling the persons employed to work in the premises to have the use of washing facilities provided for the use of others, being facilities whose provision would have constituted compliance with that subsection had they been provided in pursuance thereof for the first-mentioned persons and which are provided at a place with respect to which the requirements of subsection (2) of this section are satisfied.

Supply of drinking water.

11.—(1) There shall, in the case of premises to which this Act applies, be provided and maintained, at suitable places conveniently accessible to the persons employed to work in the premises, an adequate supply of wholesome drinking water.

(2) Where a supply of water provided at a place in pursuance of the foregoing subsection is not piped, it must be contained in suitable vessels and must be renewed at least daily; and all practicable steps must be taken to preserve it and the vessels in which it is contained from contamination.

(3) Where water a supply of which is provided in pursuance of this section is delivered otherwise than in a jet from which persons can conveniently drink, there shall either—

(a) be provided, and be renewed so often as occasion requires, a supply of drinking vessels of a kind designed to be discarded after use; or

(b) be provided a sufficient number of drinking vessels of a kind other than as aforesaid, together with facilities for rinsing them in clean water.

(4) Subsection (1) of this section shall be deemed to be complied with in relation to any premises as regards any period during which there are in operation arrangements for enabling the persons employed to work in the premises to avail themselves of a supply of drinking water provided and maintained for the use of others, being a supply whose provision and maintenance would have constituted compliance with that subsection had it been provided and maintained for the use of the first-mentioned persons, and—

- (a) where the supply provided is not piped, the requirements of subsection (2) of this section are satisfied as respects it and the vessels in which it is contained ; and
- (b) where the water supplied is delivered as mentioned in subsection (3) of this section, the requirements of that subsection are satisfied.

**12.—**(1) There shall, in the case of premises to which this Act applies,— Accommodation for clothing.

- (a) be made, at suitable places, suitable and sufficient provision for enabling such of the clothing of the persons employed to work in the premises as is not worn by them during working hours to be hung up or otherwise accommodated ; and
- (b) be made, for drying that clothing, such arrangements as are reasonably practicable or, if a standard of arrangements for drying that clothing is prescribed, such arrangements as conform to that standard.

(2) Where persons are employed to do such work in premises to which this Act applies as necessitates the wearing of special clothing, and they do not take that clothing home, there shall, in the case of those premises,—

- (a) be made, at suitable places, suitable and sufficient provision for enabling that clothing to be hung up or otherwise accommodated ; and
- (b) be made, for drying that clothing, such arrangements as are reasonably practicable or, if a standard of arrangements for drying that clothing is prescribed, such arrangements as conform to that standard.

(3) The Minister may make regulations—

- (a) determining for premises to which this Act applies, or for any class of such premises, what is suitable and sufficient provision for the purposes of the foregoing provisions of this section ;
- (b) prescribing for such premises as aforesaid, or for any class thereof, a standard of arrangements for drying clothing.

Sitting facilities.

13.—(1) Where persons who are employed to work in office, shop or railway premises have, in the course of their work, reasonable opportunities for sitting without detriment to it, there shall be provided for their use, at suitable places conveniently accessible to them, suitable facilities for sitting sufficient to enable them to take advantage of those opportunities.

(2) Where persons are employed to work in a room which comprises, or is comprised in or constitutes, shop premises, being a room whereto customers are invited to resort, and have in the course of their work, reasonable opportunities for sitting without detriment to it, facilities provided for their use in pursuance of subsection (1) of this section shall be deemed not to be sufficient if the number of seats provided and the number of the persons employed are in less ratio than 1 to 3.

(3) It shall be the duty of the employer of persons for whose use facilities are provided in pursuance of the foregoing provisions of this section to permit them to use them whenever the use thereof does not interfere with their work, and if he fails so to do he shall be guilty of an offence.

Seats for sedentary work.

14.—(1) Without prejudice to the general obligation imposed by the last foregoing section, where any work done in any premises to which this Act applies is of such a kind that it (or a substantial part of it) can, or must, be done sitting, there shall be provided for each person employed to do it there a seat of a design, construction and dimensions suitable for him and it, together with a foot-rest on which he can readily and comfortably support his feet if he cannot do so without one.

(2) A seat provided in pursuance of the foregoing subsection, and a foot-rest so provided that does not form part of a seat, must be adequately and properly supported while in use for the purpose for which it is provided.

(3) For the purpose of subsection (1) of this section, the dimensions of an adjustable seat shall be taken to be its dimensions as for the time being adjusted.

Eating facilities.

15. Where persons employed to work in shop premises eat meals there, suitable and sufficient facilities for eating them shall be provided.

Floors, passages and stairs.

16.—(1) All floors, stairs, steps, passages and gangways comprised in premises to which this Act applies shall be of sound construction and properly maintained and shall, so far as is reasonably practicable, be kept free from obstruction and from any substance likely to cause persons to slip.

(2) For every staircase comprised in such premises as aforesaid, a substantial hand-rail or hand-hold 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 or hand-hold shall be provided and maintained on both sides.

(3) Any open side of a staircase to which the last foregoing subsection applies, shall also be guarded by the provision and maintenance of efficient means of preventing any person from accidentally falling through the space between the hand-rail or hand-hold and the steps of the staircase.

(4) All openings in floors comprised in premises to which this Act applies shall be securely fenced, except in so far as the nature of the work renders such fencing impracticable.

(5) The foregoing provisions of this section shall not apply to any such part of any fuel storage premises as is in the open, but in relation to any such part the following provisions shall have effect, namely,—

- (a) the surface of the ground shall be kept in good repair;
- (b) all steps and platforms shall be of sound construction and properly maintained;
- (c) all openings in platforms shall be securely fenced, except in so far as the nature of the work renders such fencing impracticable.

17.—(1) Every dangerous part of any machinery used as, or forming, part of the equipment of premises to which this Act applies shall be securely fenced unless it is in such a position or of such construction as to be as safe to every person working in the premises as it would be if securely fenced. Fencing of exposed parts of machinery.

(2) In so far as the safety of a dangerous part of any machinery cannot, by reason of the nature of the operation effected by means of the machinery, be secured by means of a fixed guard, the requirements of the foregoing subsection shall be deemed to be complied with if a device is provided that automatically prevents the operator from coming into contact with that part.

(3) In determining, for the purposes of subsection (1) of this section, whether a moving part of any machinery is in such a position or of such construction as is therein mentioned, no account shall be taken of any person carrying out while the part 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 is in motion.

(4) Fencing provided in pursuance of the foregoing provisions of this section shall be of substantial construction, be properly maintained and be kept in position while the parts required to be fenced 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.

(5) Subsection (3) of this section, and so much of subsection (4) thereof as relates to the exception from the requirement thereby imposed, shall only apply where the examination, lubrication or adjustment in question is carried out by such persons who have attained the age of eighteen as may be specified in regulations made by the Minister and all other such conditions as may be so specified are complied with.

Avoidance of exposure of young persons to danger in cleaning machinery.

18.—(1) No young person employed to work in premises to which this Act applies shall clean any machinery used as, or forming, part of the equipment of the premises if doing so exposes him to risk of injury from a moving part of that or any adjacent machinery.

(2) In this section “young person” means a person who has not attained the age of eighteen.

Training and supervision of persons working at dangerous machines.

19.—(1) No person employed to work in premises to which this Act applies shall work there 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 order of the Minister, being machines which in his opinion are of such a dangerous character that persons ought not to work at them unless the foregoing requirements are complied with.

Regulations for securing health and safety.

20.—(1) The Minister may, as respects premises to which this Act applies or any class of such premises, make special regulations for protecting persons, or persons of any class, working in such premises or, as the case may be, in such premises of the class to which the regulations apply, against risks of bodily injury or injury to health arising out of the use of any machinery, plant, equipment, appliance or substance, the carrying on of any operation or the use of any process.

(2) Regulations under this section may make any such provision for the purpose aforesaid as appears to the Minister to meet the necessity of the case so far as is reasonably practicable, and



may impose obligations, restrictions and prohibitions on those who employ persons to work as aforesaid, on persons employed so to work, and on others.

(3) Without prejudice to the generality of the last foregoing subsection, regulations under this section may provide for—

- (a) regulating or prohibiting the use of any machinery, plant, equipment, appliance or substance, the carrying on of any operation or the use of any process ;
- (b) imposing requirements with respect to the construction, installation, examination, repair, maintenance, alteration, adjustment and testing of machinery, plant, equipment or appliances and the safeguarding of dangerous parts thereof ;
- (c) prohibiting the sale or letting on hire for use in premises in Great Britain to which this Act applies (or, where the regulations relate to a class of such premises, for use in such premises of that class) of any machinery, plant, equipment or appliance which does not comply with requirements of the regulations ;
- (d) any incidental, supplementary or consequential matters for which it appears to the Minister requisite or expedient to provide for the purposes of the regulations.

(4) A person who contravenes a provision of regulations under this section (other than a provision having effect by virtue of paragraph (c) of the last foregoing subsection) shall be guilty of an offence.

(5) A person who contravenes a provision of regulations having effect by virtue of paragraph (c) of subsection (3) of this section or, as agent of the seller or hirer, causes or procures any machinery, plant, equipment or appliance to be sold or let on hire in contravention of any such provision, shall be guilty of an offence and liable to a fine not exceeding two hundred pounds.

(6) An offence under the last foregoing subsection shall, where necessary for conferring jurisdiction on a court to entertain proceedings for the offence, be deemed to have been committed in the place where the machinery, plant, equipment or appliance in question is for the time being.

(7) Proceedings for an offence under subsection (5) of this section may be commenced at any time within twelve months from the time when the offence was committed.

(8) Where a contravention of a provision of regulations under this section consists in a failure to do anything at or within a time specified in the regulations, and the regulations provide that this subsection shall apply to a failure so to do it, the contravention shall be deemed to continue until that thing is done.

(9) A requirement imposed by virtue of subsection (3)(b) of this section with respect to the safeguarding of dangerous parts of machinery may be expressed to take effect in addition to, or in lieu of, a requirement imposed by section 17 of this Act.

(10) So far as regards machinery, plant, equipment or appliances, nothing in this section shall be construed as restricting the exercise of the powers thereby conferred to the making of provision with respect to machinery, plant, equipment or appliances wholly situate in premises to which this Act applies.

Regulations for controlling noise and vibrations.

**21.—**(1) The Minister may make special regulations for protecting persons employed to work in premises to which this Act applies, or any class of such premises, from risks of bodily injury or injury to health arising from noise or vibrations and for preventing the welfare of persons so employed from being adversely affected by noise or vibrations.

(2) Regulations under this section may make any such provision for the purpose aforesaid as appears to the Minister to meet the necessity of the case so far as is reasonably practicable, and may impose obligations, restrictions and prohibitions on those who employ persons to work as aforesaid, on persons employed so to work, and on others.

(3) A person who contravenes a provision of regulations under this section shall be guilty of an offence.

Power of magistrates' courts and sheriffs to make orders for putting down dangerous conditions and practices.

**22.—**(1) Where, in the case of premises to which this Act applies, an appropriate court is satisfied, on a complaint (or, in Scotland, a summary application) made by or on behalf of an authority or person having power to enforce with respect to the premises any of the foregoing provisions of this Act—

(a) that any part of the premises is in such a condition or is so constructed that it cannot be used without risk of bodily injury or injury to health; or

(b) that any machinery, plant, equipment or appliance used in the premises is in such a condition, is so constructed or is so placed that it cannot be used without such risk; or

(c) that an operation carried on in the premises, or a process used therein, is so carried on or used in such a manner as to cause such risk;

the following provisions shall have effect:—

(i) if the case falls within paragraph (a) of this subsection, the court may by order prohibit the use of the part in question absolutely, unless it is satisfied that it can be so repaired or altered as to permit of its being used without such risk as aforesaid, in which case it may prohibit its use until it has been so repaired or altered;

- (ii) if the case falls within paragraph (b) of this subsection, the court may by order prohibit the use of the machinery, plant, equipment or appliance in question absolutely, unless it is satisfied that it can be so repaired, altered or moved as to permit of its being used as aforesaid, in which case it may prohibit its use until it has been so repaired, altered or moved ;
- (iii) if the case falls within paragraph (c) of this subsection, the court may by order prohibit the carrying on or use of the operation or process in question absolutely, unless it is satisfied that there can be taken such steps as will enable it to be carried on or used otherwise than in such a manner as to cause such risk as aforesaid, in which case it may, as the circumstances require, prohibit the carrying on or use of it until such steps as aforesaid have been taken or prohibit the carrying on or use of it unless such steps as aforesaid are taken in the course of the carrying on or use of it.

(2) Where a complaint or summary application is, or has been, made under the foregoing subsection, the court—

- (a) if satisfied on evidence tendered upon an application made by or on behalf of the authority or person by whom or on whose behalf the complaint or summary application is, or was, made, that the use of the part of the premises or the thing, or, as the case may be, the carrying on or use of the operation or process, that is the subject of the complaint or summary application involves imminent risk of bodily injury or injury to health ; and
- (b) if satisfied also that three clear days' notice of intention to make an application under this subsection (stating the time at which it would be made) has been given to the occupier of the premises ;

and after affording to the occupier (if he appears) an opportunity to be heard, may make an interim order prohibiting, either absolutely or subject to conditions, the use of the part or thing or, as the case may be, the carrying on or use of the operation or process until the earliest opportunity for hearing and determining the complaint or summary application.

(3) In this section “appropriate court” means, as regards premises in England or Wales, a magistrates’ court acting for the petty sessions area in which the premises are situate and, as regards premises in Scotland, the sheriff within whose jurisdiction the premises are situate ; and, in exercising its powers under the last foregoing subsection, a magistrates’ court may be composed of a single justice.

Prohibition of heavy work.

**23.**—(1) No person shall, in the course of his work in premises to which this Act applies, be required to lift, carry or move a load so heavy as to be likely to cause injury to him.

(2) The Minister may make regulations prescribing the maximum weights which persons employed to work in premises to which this Act applies may lift, carry or move in the course of their work there; and any such regulations may relate either generally to such persons as aforesaid or to any class of such persons.

First aid: general provisions.

**24.**—(1) In the case of all premises to which this Act applies there shall be provided so as to be readily accessible a first-aid box complying with the requirements of the next following subsection or a first-aid cupboard so complying, and, where the number of persons employed to work in the premises exceeds one hundred and fifty at any one time, an additional such box or cupboard for each unit of one hundred and fifty persons comprised in the excess (any fraction of a unit being treated as one).

(2) The said requirements are that the box or cupboard—

- (a) contains first-aid requisites and appliances of such descriptions and in such quantities as may be prescribed by order made by the Minister; and
- (b) contains no articles other than first-aid requisites or appliances.

(3) A first-aid box or cupboard provided in the case of any premises in pursuance of the foregoing provisions of this section must be in the charge of a responsible person, and no box or cupboard so provided must be in the charge of a person who has charge of another box or cupboard provided in those premises in pursuance of the said provisions.

(4) Where persons to a number exceeding the relevant number are employed to work at any one time in premises to which this Act applies, then—

- (a) if no more than one first-aid box or cupboard is required by this section to be provided in the case of the premises, the person in charge of it must be trained in first-aid treatment and always available during working hours;
- (b) if two or more boxes or cupboards are so required to be so provided, one of the persons in charge of the respective boxes or cupboards must be so trained and available.

In this subsection “relevant number”, in relation to any premises, means one hundred and fifty or such less number as may by regulations be prescribed by the Minister in relation either

to premises generally or to premises of a class within which the first-mentioned premises fall.

(5) Where paragraph (a) of the last foregoing subsection applies to any premises, there must be displayed therein, at such place, in such a position, and in such characters, as to be easily seen and read by the persons employed to work in the premises, a notice stating the name of the person in charge of the box or cupboard and the fact of his being in charge of it; and where paragraph (b) of that subsection applies to any premises, there must be displayed therein, at such place, in such a position, and in such characters, as aforesaid, a notice stating—

- (a) in a case where the availability of a single person is relied on to secure compliance with that paragraph, his name, the fact of his being in charge of a first-aid box or cupboard and that he is always available during working hours;
- (b) in a case where the availability of one or other of two or more persons is so relied on, the names of each of them, the fact of their each being in charge of a first-aid box or cupboard, and that one or other of them is always so available.

(6) For the purposes of this section a person shall be deemed not to be trained in first-aid treatment unless he satisfies such conditions as may be prescribed by order made by the Minister.

(7) Where a first-aid room is maintained at, or in conjunction with, premises to which this Act applies, and arrangements exist for securing the immediate treatment in that room of persons who, while in the premises, suffer bodily injury or become ill, the authority having power to enforce compliance, in the case of those premises, with the foregoing provisions of this section, may by instrument in writing served on the occupier of the premises, exempt the premises, so long as the arrangements continue in force, from the requirements of the said provisions to such extent and subject to such conditions as may be specified in the instrument.

(8) Subsection (5) of this section shall not apply to fuel storage premises which are wholly in the open, but in the case of such premises which are wholly in the open there must be given to each person employed to work there a notice stating the like particulars as would be stated in such a notice as for the time being would, by virtue of that subsection, be required to be displayed in the premises if that subsection applied to them.

(9) This section shall not apply to premises which, for the purposes of the Mines and Quarries Act 1954, form part of a mine or quarry or which are comprised in an institution which

provides medical or surgical treatment for in-patients or an institution which, not being such an one as aforesaid, is carried on by a person registered under Part VI of the Public Health Act 1936, the Nursing Homes Registration (Scotland) Act 1938 or Part XI of the Public Health (London) Act 1936.

First aid:  
premises  
inside, but for  
purposes of  
Factories Act  
1961 not  
forming  
part of,  
factory.

**25.**—(1) The Minister may by special regulations provide that premises to which this Act applies which are not, for the purposes of the Factories Act 1961, a factory but which, but for the operation of section 175(6) of that Act, would, for the purposes of that Act, form part of a factory, or such premises as aforesaid of a class specified in the regulations,—

(a) shall be excepted from the operation of the last foregoing section ; and

(b) shall, notwithstanding the said subsection (6), be deemed for the purposes of section 61 (first aid) of that Act to form part of the factory of which, but for that subsection, they would, for the purposes of that Act, form part.

(2) Regulations under this section may provide that, for the purposes of the application to a factory of subsection (4) of the said section 61 (which, amongst other things, requires that the person under whose charge is placed a first-aid box or cupboard provided in a factory in pursuance of that section must, where more than fifty or other a lower prescribed number of persons are employed, be trained in first-aid treatment), persons employed to work in premises which, by virtue of the regulations, are deemed, for the purposes of that section, to form part of the factory shall (according as may be specified in the regulations) be left out of account or be taken into account to a number (ascertained in accordance with the regulations) less than the full number thereof.

First aid:  
office premises  
erected for  
purposes of  
building  
operations,  
&c.

**26.**—(1) This section applies to office premises to which this Act applies, being premises erected—

(a) at, or adjacent to, a place where there are carried on operations to which section 127(1) (building operations and works of engineering construction) of the Factories Act 1961 applies or works to which that section applies ; and

(b) for the purpose of, or in connection with, the operations or works.

(2) The Minister may by special regulations provide that premises to which this section applies, or such premises as aforesaid of a class specified in the regulations,—

(a) shall be excepted from the operation of section 24 of this Act ; and

- (b) shall be deemed, for the purposes of any regulation as to first aid made by virtue of section 127(2) of the said Act of 1961 which is applicable to the place where there are carried on the operations or works for the purpose of which, or in connection with which, the premises were erected, to form part of that place.

27.—(1) A person who, in premises to which this Act applies, wilfully and without reasonable cause does anything likely to endanger the health or safety of persons employed to work therein shall be guilty of an offence. Penalization of dangerous acts and interference with equipment. &c.

(2) A person who, in premises to which this Act applies, wilfully interferes with, wilfully misuses or without reasonable excuse removes any equipment, appliance, facilities or other thing provided there in pursuance of this Act or regulations thereunder shall be guilty of an offence.

(3) Nothing in this section shall be taken as limiting the power conferred by section 20 or 21 of this Act to make by regulations any such provision as is mentioned in, as the case may be, the one section or the other, including further provision as to matters which are the subject of this section.

#### *Fire Precautions*

28.—(1) All premises to which this Act applies shall be provided with such means of escape in case of fire for the persons employed to work therein as may reasonably be required in the circumstances of the case. Provision of means of escape in case of fire.

(2) In determining, for the purposes of this section, what means of escape may reasonably be required in the case of any premises, regard shall be had (amongst other things) not only to the number of persons who may be expected to be working in the premises at any time but also to the number of persons (other than those employed to work therein) who may reasonably be expected to be resorting to the premises at that time.

29.—(1) Subject to the provisions of subsection (8) of this section and of regulations made under subsection (9) thereof and to the following provisions of this Act, it shall not be lawful— Certification of premises by appropriate authority.

- (a) for more than twenty persons to be employed to work at any one time in any premises to which this Act applies ;
- (b) for more than ten persons to be so employed elsewhere than on the ground floor of any such premises ; or
- (c) for any person to be employed to work in any such premises in or underneath which explosive or highly

flammable materials of a kind prescribed by regulations made by the Minister are used or are stored in a quantity not less than such as may be so prescribed ; unless there is in force with respect to the premises a certificate (hereafter in this Act referred to as a " fire certificate ") issued under the following provisions of this section by the appropriate authority (as hereafter in this Act defined) that the premises are provided with such means of escape in case of fire for the persons employed to work therein, or proposed to be so employed, as may reasonably be required in the circumstances of the case, nor, where a building contains two sets or more of premises to which this Act applies, shall the employment of a person to work in either (or any) of them be lawful without a fire certificate's being in force with respect to the set in which he is so employed if—

- (i) the aggregate of persons employed to work at any one time in both (or all) of the sets of premises exceeds twenty ; or
- (ii) more than ten persons are employed at any one time to work in one of them elsewhere than on the ground floor of the building, or, of the aggregate of the persons employed to work at any one time in both (or all) of them, more than ten are employed to work at that time elsewhere than as aforesaid.

(2) An application for the issue of a fire certificate with respect to any premises must be made to the appropriate authority in such form as may be prescribed by order made by the Minister and state the greatest number of persons employed to work at any one time in the premises or proposed to be so employed and such other (if any) particulars as may be so prescribed, and, if regulations made by the Minister so require, must be accompanied by such plans of the premises as may be specified in the regulations.

(3) Where such an application is duly made with respect to any premises, and (if that is required by virtue of the last foregoing subsection) is accompanied by the specified plans, it shall be the duty of the appropriate authority to cause an inspection to be carried out of the premises and the means of escape therefrom in case of fire for the persons employed to work therein, or proposed to be so employed, with which the premises are provided and, if satisfied that the means with which the premises are provided are such as may reasonably be required in the circumstances of the case, to issue a certificate to that effect.

(4) Where the appropriate authority, after causing, in pursuance of the last foregoing subsection, an inspection to be carried out of any premises, inform the applicant that they will not issue a fire certificate with respect to the premises unless



specified alterations are made thereto, they shall specify the time within which the alterations are to be carried out and, if the certificate is not issued, 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) A fire certificate issued with respect to any premises shall—

- (a) specify the greatest number of persons who, in the opinion of the appropriate authority, can safely be employed to work at any one time in the premises ;
- (b) specify precisely and in detail the means of escape provided and state which of them are to be treated as relevant for the purposes of the following provisions of this Act relating to the marking of exits affording or giving access to means of escape ;
- (c) if the appropriate authority be of opinion that there inhere in the premises special risks of the outbreak or spread of fire, state that the authority are of that opinion and specify those risks ;

and shall be sent to the occupier of the premises.

(6) A fire certificate issued with respect to any premises shall be kept there so long as it is in force.

(7) If any persons are employed to work in any premises in contravention of subsection (1) of this section, the occupier of the premises shall be guilty of an offence and liable to a fine not exceeding two hundred pounds or, on a second or subsequent conviction, not exceeding five hundred pounds.

(8) Subsection (1) of this section shall not render unlawful the employment of persons to work in any premises during the period beginning with the day on which an application (accompanied, if that is required by virtue of subsection (2) of this section, by the specified plans of the premises) for the issue of a fire certificate with respect to the premises is duly made to the appropriate authority and ending with the day on which, as the case may be, a fire certificate is issued pursuant to that application or the issue of a fire certificate pursuant thereto is refused.

(9) The Minister may by special regulations so modify subsection (1) of this section that it renders unlawful the employment of persons to work in premises of a class specified in the regulations whose employment to work there would not otherwise be unlawful by virtue of that subsection or so modify that subsection that it ceases to render unlawful the employment of persons to work in premises of a class so specified whose employment to work there would otherwise be unlawful by virtue of that subsection.

(10) Where, after the coming into operation of building standards regulations within the meaning of the Building (Scotland) Act 1959, the appropriate authority are satisfied that premises in Scotland to which the said regulations apply comply with those regulations with respect to the structural requirements of the means of escape from fire, they shall not for the purposes of this or the next following section specify any alterations in respect of those premises to a standard higher than that of the said requirements.

(11) Subsection (2) of the last foregoing section shall have effect for the purposes of this section as it has effect for the purposes of that.

Maintenance of means of escape in case of fire, and inspection by appropriate authority.

**30.—**(1) All means of escape specified in a fire certificate shall be properly maintained and kept free from obstruction.

(2) So long as a fire certificate is in force with respect to any premises, the appropriate authority may at any time cause the premises to be inspected 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.

(3) If, while a fire certificate is in force with respect to any premises, it is proposed to make a material extension to, or material structural alteration of, the premises, to increase the number of persons employed to work therein at any one time above that stated in the certificate, to begin to use therein materials of a kind prescribed by virtue of section 29(1)(c) of this Act or to begin to store therein such materials in a quantity not less than that so prescribed, the occupier shall, before effect is begun to be given to the proposals, give to the appropriate authority notice of the proposals.

(4) If—

- (a) the appropriate authority are satisfied, with respect to any premises with respect to which a fire certificate is in force (whether as a result of an inspection caused by them to be carried out under subsection (2) of this section or otherwise), that the existing means of escape from the premises in case of fire have, in consequence of a change of conditions, become insufficient; or
- (b) the appropriate authority are satisfied, with respect to any premises with respect to which a notice under the last foregoing subsection has been given to them, that the giving of effect to the proposals notified will result in the means of escape from the premises in case of fire becoming insufficient;

they may, in a case falling within paragraph (a) above, by notice served on the occupier of the premises, require him to make to the premises, within such period as may be specified in the

notice, such alterations as may be so specified, or, in a case falling within paragraph (b) above, by notice so served prohibit effect's being given to the proposals till the occupier shall have made to the premises such alterations as may be so specified, and, in either case, they shall, upon the alterations' being made, amend the certificate or issue a new one.

(5) In the event of a contravention of a requirement or prohibition imposed by a notice served under the last foregoing subsection with respect to any premises, the occupier of the premises shall be guilty of an offence, and upon his conviction thereof the appropriate authority shall cancel the fire certificate issued with respect to the premises ; and the appropriate authority may cancel the fire certificate issued with respect to any premises if they are satisfied that there has been such a contravention as aforesaid with respect to the premises (whether or not proceedings are brought in respect of the contravention).

(6) Where the appropriate authority are satisfied, with respect to any premises with respect to which a notice under subsection (3) of this section has been given to them, that the giving of effect to the proposals notified will not result in the means of escape from the premises in case of fire becoming insufficient, they shall, upon production of the fire certificate in force with respect to the premises, cause to be written on the certificate a statement that they are so satisfied.

**31.—(1) A person who is aggrieved—**

- (a) by the refusal of the appropriate authority to issue a fire certificate with respect to any premises ;
- (b) by the refusal of the appropriate authority to amend a fire certificate issued with respect to any premises ;
- (c) by being required under the last foregoing section by the appropriate authority to make any alterations to any premises or by the period within which he is so required to make any such alterations ;
- (d) by the prohibition under the last foregoing section by the appropriate authority of effect's being given to proposals till alterations shall have been made to any premises ; or
- (e) by the cancellation, in pursuance of subsection (5) of the last foregoing section, of a fire certificate issued with respect to any premises ;

Right of appeal against matters arising out of sections 29 and 30.

may, within twenty-one days of the refusal, notice of requirement or prohibition or cancellation, appeal, if the premises are situate in England or Wales, to a magistrates' court acting for the petty sessions area in which they are situate or, if they are situate in Scotland, to the sheriff within whose jurisdiction they are situate, and on any such appeal the court may make such order as it, or, as the case may be, the sheriff may make

such order as he, thinks fit, and an order so made shall be binding on the appropriate authority.

(2) Where an appeal is brought under this section against the refusal of the appropriate authority to issue a fire certificate with respect to any premises or the cancellation in pursuance of subsection (5) of the last foregoing section of a fire certificate issued with respect to any premises, section 29(1) of this Act shall not render unlawful the employment of persons to work in the premises until the appeal is finally determined.

Power of magistrates' courts and sheriffs to make orders for putting down dangerous conditions in regard to means of escape in case of fire.

**32.** If the appropriate authority are satisfied that the conditions in regard to escape in the case of fire in the case of any premises to which this Act applies are so dangerous that, until steps have been taken to remedy the danger, persons ought not (according to the circumstances of the case)—

- (a) to be employed to work in the premises or in a particular part thereof, or
- (b) to be employed to work in connection with the carrying on in the premises or in a particular part thereof of some particular process, or
- (c) to be employed to do in the premises or in a particular part thereof some particular work ;

the authority may, if the premises are situate in England or Wales, make a complaint to a magistrates' court acting for the petty sessions area in which the premises are situate or, if they are situate in Scotland, make a summary application to the sheriff within whose jurisdiction they are situate, and the court or, as the case may be, the sheriff, on being similarly satisfied, may by order prohibit, to the extent appropriate in the said circumstances, the employment of persons to work in the premises until such steps shall have been taken as, in the opinion of the court or, as the case may be, the sheriff, are necessary to remedy the danger.

Safety provisions in case of fire.

**33.—(1)** While a person employed to work in premises to which this Act applies is in the premises for the purpose of doing his work or eating a meal, the doors of any doorways through which he might have to pass so as to get out of the premises shall not be so locked or fastened that they cannot be immediately opened by him on his way out.

(2) The contents of any room in premises to which this Act applies, being a room wherein work is done by any of the persons employed to work in the premises, shall be so arranged or disposed as to afford, to the persons who work in the room, free passage-way to a means of escape in case of fire.

(3) So long as a fire certificate with respect to any premises is in force, all exits affording, or giving access to, means of escape stated in the certificate to be relevant as mentioned in section

29(5)(b) of this Act (other than exits in ordinary use) shall be distinctively and conspicuously marked by notices printed in letters of adequate size.

34.—(1) All premises to which this section applies shall be provided with effective means, capable of being operated without exposing any person to undue risk, of giving warning in case of fire. Fire alarms.

(2) All means of giving warning in case of fire with which any premises are provided in pursuance of this section shall be tested or examined at least once in every period of three months and whenever so required by the appropriate authority.

(3) The Minister may by regulations prescribe the nature of the test or examination to be carried out in pursuance of the last foregoing subsection.

(4) This section applies to any premises with respect to which a fire certificate is in force and any premises in the case of which persons are for the time being employed to work therein, being persons whose employment so to work would, apart from section 29(8) or 31(2) of this Act, be unlawful by virtue of section 29(1) thereof.

35.—(1) The Minister may make, as respects premises to which this Act applies, or any specified class of such premises, regulations as to the means of escape in case of fire to be provided therein, but nothing in regulations under this subsection shall be construed as being in derogation of the general obligation imposed by section 28 of this Act. Power of Minister to make regulations with respect to means of escape in case of fire.

(2) If any premises with respect to which a fire certificate is in force are not in conformity with regulations under this section applicable to the premises, the appropriate authority shall serve on the occupier of the premises notice requiring him to make to the premises, within such period as may be specified in the notice, such alterations as they consider necessary to bring the premises into conformity with the regulations, and, upon the alterations' being made, they shall amend the certificate or issue a new one.

Sections 30(5) and 31 of this Act shall have effect in a case in which a notice is issued under this subsection with respect to any premises as they have effect in a case in which a notice is issued under section 30(4) of this Act requiring alterations to be made to premises.

36.—(1) Effective steps shall be taken to ensure that all persons employed to work in any such premises as are mentioned in section 34(4) of this Act are familiar with the means of escape from the premises in case of fire and their use and with the routine to be followed in case of fire. Employees to be made familiar with means of escape in case of fire.

(2) The Minister may make regulations as to the steps to be taken for the purposes of the foregoing subsection in

premises to which that subsection applies or in any class of such premises.

Fire prevention.

**37.—**(1) The Minister may make, as respects premises to which this Act applies, or any specified class of such premises, special regulations as to the measures to be taken to reduce the risk of the outbreak of fire therein or of the spread of any fire that breaks out therein or the smoke therefrom.

(2) Regulations under the foregoing subsection may, amongst other things, prescribe requirements as to the internal construction of premises to which the regulations apply, and the materials used in that construction, and provide, as regards any of the provisions of the regulations, that some other person or persons shall be responsible for a contravention thereof instead of, or as well as, the occupier.

Provision of fire-fighting equipment.

**38.—**(1) In all premises to which this Act applies there shall be provided and maintained appropriate means for fighting fire, which shall be so placed as to be readily available for use.

(2) The Minister may, as respects any class of premises to which this Act applies, make special regulations prescribing means for fighting fire, and any such regulations may provide for the testing or examination of the means so specified and provide, as regards any of the provisions of the regulations, that some other person or persons shall be responsible for a contravention thereof instead of, or as well as, the occupier.

(3) Any requirement imposed by regulations under the last foregoing subsection may, so far as regards premises of the class to which the regulations apply, be imposed either in substitution for, or without prejudice to, the general requirements of subsection (1) of this section.

Appropriate authority for purposes of sections 28 to 38.

**39.—**(1) Subject to subsection (2) of this section, for the purposes of sections 28 to 38 of this Act the appropriate authority shall, as respects any premises, be the authority discharging in the area in which the premises are situate the functions of fire authority under the Fire Services Act 1947, except that,—

(a) for the purposes of the application of section 34 to premises with respect to which the enforcement of provisions of this Act is provided for by section 52(4) of this Act, it shall be a factory inspector or a person authorised under section 52(3) of this Act by the Minister; and

(b) for the purposes of the application of section 34 to premises with respect to which the enforcement of provisions of this Act is provided for by section 52(6) of this Act, it shall be a mine and quarry inspector or a person authorised under that subsection by the Minister of Power.

(2) In the case of premises with respect to which the enforcement of provisions of this Act by factory inspectors and such persons (other than factory inspectors) as the Minister may authorise in that behalf is provided for by section 52(3) of this Act,—

- (a) for the purposes of the provisions of sections 28 to 38 of this Act (except sections 29(2) and (8) and 30(3)) the appropriate authority shall be a factory inspector or a person authorised under the said section 52 (3) by the Minister ;
- (b) for the purposes of the said excepted provisions, the appropriate authority shall be the factory inspector in charge of the district in which the premises are situate (and accordingly, section 30(4)(b) and (6) of this Act shall, in the case of such premises, have effect with the substitution, for the word “ them ”, of the words “ the factory inspector in charge of the district in which the premises are situate ”).

40. Nothing in sections 28 to 38 of this Act or in regulations under any of those sections shall apply to fuel storage premises which are wholly in the open, and, in the case of such premises which are partly in the open, so much of them as is in the open shall, for the purposes of those sections and of such regulations, be treated as not forming part of the premises.

Exclusion of application of sections 28 to 38 to certain fuel storage premises and modification thereof in relation to others.

41.—(1) Before the appropriate authority—

- (a) inform the applicant for the issue of a fire certificate with respect to any premises situate elsewhere in England and Wales than in the administrative county of London that they will not issue the certificate unless specified alterations are made to the premises ; or
  - (b) serve, under section 30(4) or 35(2) of this Act, a notice on the occupier of any premises so situate ;
- they shall, if not themselves the local authority (within the meaning of the Public Health Act 1936) for the area in which the premises are situate, consult that authority.

Duty of appropriate authority, if not concerned with construction of buildings, to consult authority so concerned before requiring alterations to be made.

(2) Before the appropriate authority—

- (a) inform the applicant for the issue of a fire certificate with respect to any premises situate in Scotland that they will not issue the certificate unless specified alterations are made to the premises ; or
  - (b) serve, under section 30(4) or 35(2) of this Act, a notice on the occupier of any premises so situate ;
- they shall, if not themselves the local authority (within the meaning of the Building (Scotland) Act 1959) for the area in which the premises are situate, consult that authority.

(3) Before the appropriate authority—

(a) inform the applicant for the issue of a fire certificate with respect to any premises situate in the administrative county of London that they will not issue the certificate unless specified alterations are made to the premises ; or

(b) serve, under section 30(4) or 35(2) of this Act, a notice on the occupier of any premises so situate ;

they shall, if not themselves the London County Council, consult that Council.

*Special Provisions with respect to Buildings whereof  
Parts are Office, &c., Premises and with respect to certain  
contiguous Fuel Storage Premises*

Provisions  
with respect  
to buildings  
in single  
ownership.

42.—(1) A building to which this section applies is one all parts of which are in the same ownership and a part of which consists of premises to which this Act applies, being premises held under a lease or an agreement for a lease or under a licence ; and in this section a reference to a common part of a building to which this section applies shall be taken to refer to a part of the building that is used for the purposes of, but is not comprised in, a part of the building that consists of premises to which this Act applies.

(2) The following provisions shall have effect for securing the cleanliness of common parts of buildings to which this section applies, that is to say :—

(a) every common part of a building to which this section applies, and all furniture, furnishings and fittings in such a part, shall be kept in a clean state ;

(b) the Minister may by regulations made as respects common parts of buildings to which this section applies, or any class of such common parts, require such steps as may be prescribed to be taken for securing the cleanliness of the parts to which the regulations apply, but nothing in regulations under this paragraph shall be construed as being in derogation of the general obligation imposed by the foregoing paragraph.

(3) The following provisions shall have effect for securing the illumination of common parts of buildings to which this section applies, that is to say :—

(a) effective provision shall be made for securing and maintaining, in every such part of a common part of a building to which this section applies as the following, namely, a part in which persons are working or passing, suitable and sufficient lighting, whether natural or artificial ;

(b) the Minister may by regulations made as respects common parts of buildings to which this section applies,



or any class of such common parts, prescribe a standard of lighting conformity to which shall be obligatory and a sufficient compliance with the foregoing paragraph ;

- (c) all glazed windows and skylights used for the lighting of a part of a common part of a building to which this section applies in which the securing of lighting is required by this subsection to be provided for shall, so far as reasonably practicable, be kept clean on both the inner and outer surfaces and free from obstruction ;
- (d) all apparatus installed in a common part of a building to which this section applies for producing artificial lighting in a part of that part in which the securing of lighting is required by this subsection to be provided for shall be properly maintained ;

but paragraph (c) above shall not affect the whitewashing or shading of windows or skylights for the purpose of mitigating heat or glare.

(4) Section 16(1) of this Act shall apply to floors, stairs, steps, passages and gangways comprised in, or constituting, a common part of a building to which this section applies as it applies to floors, stairs, steps, passages and gangways in premises to which this Act applies, section 16(2) of this Act shall apply to a staircase comprised in, or constituting, a common part of such a building as it applies to such a staircase as is mentioned in that subsection, and section 16(3) of this Act shall apply to an open side of such a staircase as is first mentioned in this subsection as it applies to an open side of such a staircase as is mentioned in the said subsection (2).

(5) In the event of a contravention, in relation to a common part of a building to which this section applies, of subsection (2) or (3) of this section or of regulations under either of those subsections, and in the event of a contravention, in relation to any thing constituting, or comprised in, any such common part, of section 16 of this Act as applied by the last foregoing subsection, the owner of the building shall be guilty of an offence.

(6) For a contravention, in relation to premises comprised in a building to which this section applies, of section 9 of this Act (other than a contravention consisting in a failure to keep clean conveniences provided in pursuance of that section, not being conveniences provided for use jointly by the persons employed to work in the premises and by other persons), the owner of the building shall be responsible instead of the occupier of the premises.

(7) For a contravention, in relation to premises comprised in a building to which this section applies, of section 10 of this Act (other than a contravention consisting in a failure to provide means of cleaning or drying or a failure to keep clean and in

orderly condition the place where facilities are provided in pursuance of that section, not being facilities provided for use jointly by the persons employed to work in the premises and by other persons) the owner of the building shall be responsible instead of the occupier of the premises.

(8) Section 22 of this Act (except so far as relating to operations or processes) shall, with the substitution, for references to the occupier of the premises, of references to the owner of the building, have effect in relation to a common part of a building to which this section applies, and to machinery, plant, equipment and appliances used in such a part, as it has effect in relation to premises to which this Act applies, and to machinery, plant, equipment and appliances used in such premises.

(9) Where the occupier of premises comprised in a building in England or Wales to which this section applies is the defendant to a complaint made under section 22 of this Act with respect to the premises on the ground specified in subsection (1)(a) or (b) of that section, a copy of the summons issued in consequence of the making of the complaint together with a notice stating that he will be entitled to appear at the hearing of the complaint shall be served on the owner of the building in like manner as a summons falling to be served on him is required to be served and he shall, if he appears at the hearing, be deemed to be a defendant to the complaint; and the powers of the court under section 55(1) of the Magistrates' Courts Act 1952 shall be deemed to include power, whatever adjudication the court makes on the complaint, to order any of the parties to pay the whole or part of the costs of either or both of the others.

(10) Where the occupier of premises comprised in a building in Scotland to which this section applies is a defender in a summary application made under section 22 of this Act in respect of the premises on the ground specified in subsection (1)(a) or (b) of that section, a copy of the application together with notice of the place, date and time fixed for the hearing of it shall be served on the owner of the building and he shall thereafter be a party to the proceedings.

(11) In the application, to premises comprised in a building to which this section applies, of the provisions of this Act with respect to fire precautions, references to the premises shall be construed as including references to a part of the building that is used for the purposes of, but is not comprised in, the premises, and references to the owner of the building shall be substituted for references to the occupier of the premises.

(12) A copy of any fire certificate issued with respect to any premises which, at the time of the issue of the certificate, are

comprised in a building to which this section applies, shall be sent to the occupier of the premises by the authority who issued it and section 29(6) of this Act shall apply to the copy instead of to the certificate.

(13) For a contravention, in relation to premises comprised in a building to which this section applies, of section 28 of this Act, for a contravention, in relation to such premises, of section 30(1) of this Act (other than a contravention consisting in a failure to keep means of escape free from obstruction, being a contravention caused by the use of the premises), and for a contravention, in relation to such premises, of section 33(3) of this Act or of regulations under section 35(1) thereof, the owner of the building shall be responsible instead of the occupier of the premises.

(14) Section 34(1) of this Act shall, in its application to premises comprised in a building to which this section applies, have effect as if it required the warning referred to therein to be perceptible in every part of the building used for the purposes of, but not comprised in, the premises, in every other set of premises comprised in the building which are premises to which this Act applies, and in every part of the building used for the purposes of, but not comprised in, any other such set of premises as aforesaid; and for a contravention, in relation to premises comprised in such a building, of that section, the owner of the building shall be responsible instead of the occupier of the premises.

(15) If, on a complaint (or, in Scotland, a summary application) made by the owner of a building to which this section applies to an appropriate court, the court is satisfied that the occupier of any part of the building prevents the owner from making, to premises to which this Act applies which are comprised in the building, any alterations the making of which is requisite in order to permit of a fire certificate's being issued with respect to the premises or any alterations specified in a notice served on him under section 30 (4) or 35 (2) of this Act, or prevents the carrying out, in pursuance of, or of a requirement imposed under, section 34 (2) of this Act, of a test or examination of means of giving warning in case of fire, the court may order that occupier to permit the making of the alterations or, as the case may be, the carrying out of the test or examination.

In this subsection "appropriate court" means, as regards a building in England or Wales, a magistrates' court acting for the petty sessions area in which the building is situate and, as regards a building in Scotland, the sheriff within whose jurisdiction it is situate.

(16) The occupier of any premises to which this Act applies which are comprised in a building to which this section applies

shall furnish to the owner of the building any information in the possession of the occupier the possession of which by the owner is requisite to enable him to comply, in the case of the premises, with section 30(3) of this Act, and if the occupier fails so to do he shall be guilty of an offence.

Provisions  
with respect  
to buildings  
plurally  
owned.

43.—(1) A building to which this section applies is one of which different parts are owned by different persons and of which a part consists of premises to which this Act applies; and in this section a reference to a common part of a building to which this section applies shall be taken to refer to a part of the building that is used for the purposes of, but is not comprised in, a part of the building that consists of premises to which this Act applies.

(2) Subsections (2) and (3) of the last foregoing section shall, with the substitution, for references to buildings to which that section applies and to common parts thereof, of references respectively to buildings to which this section applies and to common parts thereof, have effect for securing the cleanliness and illumination of common parts of buildings to which this section applies as they have effect for securing the cleanliness and illumination of common parts of buildings to which that section applies; and in the event of a contravention, in relation to a common part of a building to which this section applies, of either of those subsections or of regulations under either of them, the owner of the part (or, if there are more owners than one of the part, each of them) shall be guilty of an offence.

(3) Section 16(1) of this Act shall apply to floors, stairs, steps, passages and gangways comprised in, or constituting, a common part of a building to which this section applies as it applies to floors, stairs, steps, passages and gangways in premises to which this Act applies, section 16(2) of this Act shall apply to a staircase comprised in, or constituting, a common part of such a building as it applies to such a staircase as is mentioned in that subsection, and section 16(3) of this Act shall apply to an open side of such a staircase as is first-mentioned in this subsection as it applies to an open side of such a staircase as is mentioned in the said subsection (2); and in the event of a contravention, in relation to any thing constituting, or comprised in, any such common part, of section 16 of this Act as applied by this subsection, the owner of the part (or if there are more owners than one of the part, each of them) shall be guilty of an offence.

(4) For a contravention, in relation to premises consisting of part of any such part of a building to which this section applies as is owned by one of the persons who between them own the building (being premises held under a lease or an agreement for a lease or under a licence), of section 9 of this Act

(other than a contravention consisting in a failure to keep clean conveniences provided in pursuance of that section, not being conveniences provided for use jointly by the persons employed to work in the premises and by other persons), the first-mentioned person shall be responsible instead of the occupier of the premises.

(5) For a contravention, in relation to premises consisting of part of any such part of a building to which this section applies as is owned by one of the persons who between them own the building (being premises held under a lease or an agreement for a lease or under a licence), of section 10 of this Act (other than a contravention consisting in a failure to provide means of cleaning or drying or a failure to keep clean and in orderly condition the place where facilities are provided in pursuance of that section, not being facilities provided for use jointly by the persons employed to work in the premises and by other persons) the first-mentioned person shall be responsible instead of the occupier of the premises.

(6) Section 22 of this Act (except so far as relating to operations or processes) shall, with the substitution, for references to the occupier of the premises, of references to the persons who between them own the building, have effect in relation to a common part of a building to which this section applies, and to machinery, plant, equipment and appliances used in such a part, as it has effect in relation to premises to which this Act applies, and to machinery, plant, equipment and appliances used in such premises.

(7) Where the occupier of premises comprised in a building in England or Wales to which this section applies is the defendant to a complaint made under section 22 of this Act with respect to the premises on the ground specified in subsection (1)(a) or (b) of that section, a copy of the summons issued in consequence of the making of the complaint together with a notice stating that he will be entitled to appear at the hearing of the complaint shall be served on each of the persons who between them own the building in like manner as a summons falling to be served on him is required to be served and he shall, if he appears at the hearing, be deemed to be a defendant to the complaint; and the powers of the court under section 55(1) of the Magistrates' Courts Act 1952 shall be deemed to include power, whatever adjudication the court makes on the complaint, to order any of the parties to pay the whole or part of the costs of all or any of the others.

(8) Where the occupier of premises comprised in a building in Scotland to which this section applies is a defender in a summary application made under section 22 of this Act in respect of the premises on the ground specified in subsection (1)(a) or (b) of that section, a copy of the application together

with notice of the place, date and time fixed for the hearing of it shall be served on each of the persons who between them own the building and they shall thereafter be parties to the proceedings.

(9) In the application, to premises comprised in a building to which this section applies, of the provisions of this Act with respect to fire precautions—

- (a) references to the premises shall be construed as including references to any part of the building used for the purposes of, but not comprised in, the premises ;
- (b) for references to the occupier of the premises (except the reference in section 29(5)) there shall be substituted references to the persons who between them own the building ; and
- (c) for the reference in the said section 29(5) to the occupier of the premises there shall be substituted a reference to the person who owns the part of the building of which the premises consist.

(10) A copy of any fire certificate issued with respect to any premises which, at the time of the issue of the certificate, are comprised in a building to which this section applies, shall be sent to the occupier of the premises by the authority who issued it, and section 29(6) of this Act shall apply to the copy instead of to the certificate.

(11) For a contravention, in relation to premises comprised in a building to which this section applies, of section 28 of this Act, for a contravention, in relation to such premises, of section 30(1) of this Act (other than a contravention consisting in a failure to keep means of escape free from obstruction, being a failure caused by the use of the premises), and for a contravention, in relation to such premises, of section 33(3) of this Act or of regulations under section 35(1) thereof, each of the persons who between them own the building shall be responsible instead of the occupier of the premises.

(12) Section 34(1) of this Act shall, in its application to premises comprised in a building to which this section applies, have effect as if it required the warning referred to therein to be perceptible in every part of the building used for the purposes of, but not comprised in, the premises, in every other set of premises comprised in the building which are premises to which this Act applies, and in every part of the building used for the purposes of, but not comprised in, any other such set of premises as aforesaid ; and for a contravention, in relation to premises comprised in such a building, of that section, each of the persons who between them own the building shall be responsible instead of the occupier of the premises.

(13) If, on a complaint (or, in Scotland, a summary application) made to an appropriate court by one of the persons who,

between them, own a building to which this section applies, the court is satisfied that another of those persons or any other person having an estate or interest in the building prevents the making, to premises to which this Act applies which are comprised in the building, of any alterations the making of which is requisite in order to permit of a fire certificate's being issued with respect to the premises or of any alterations specified in a notice served on those persons under section 30(4) or 35(2) of this Act, or prevents the carrying out in pursuance of, or of a requirement imposed under, section 34(2) of this Act, of a test or examination of means of giving warning in case of fire, the court may order that other person to permit the making of the alterations or, as the case may be, the carrying out of the test or examination.

In this subsection "appropriate court" means, as regards a building in England or Wales, a magistrates' court acting for the petty sessions area in which the building is situate and, as regards a building in Scotland, the sheriff within whose jurisdiction it is situate.

(14) The occupier of any premises to which this Act applies which are comprised in a building to which this section applies shall furnish to each of the persons who between them own the building any information in the possession of the occupier the possession of which by the persons aforesaid is requisite to enable them to comply, in the case of the premises, with section 30(3) of this Act, and if the occupier fails so to do he shall be guilty of an offence.

44. Where two sets or more of fuel storage premises any of which is held under a lease or an agreement for a lease or under a licence are established on a parcel of land all parts of which are in the same ownership, then—

Provisions with respect to contiguous fuel storage premises in single ownership.

(a) for a contravention, in relation to any of those sets of premises, of section 9 of this Act (other than a contravention consisting in a failure to keep clean conveniences provided in pursuance of that section, not being conveniences provided for use jointly by the persons employed to work in that set of premises and by other persons); and

(b) for a contravention, in relation to any of those sets of premises, of section 10 of this Act (other than a contravention consisting in a failure to provide means of cleaning and drying or a failure to keep clean and in orderly condition the place where facilities are provided in pursuance of that section, not being facilities provided for use jointly by the persons employed to work in that set of premises and by other persons);

the owner of that set of premises shall be responsible instead of the occupier thereof.

*Exemptions*

Power of the Minister to grant exemptions from certain requirements of Act.

45.—(1) The Minister may by order exempt—

- (a) from all or any of the requirements imposed by sections 5(2) and 6 of this Act, premises of any class or rooms of any class ;
- (b) from all or any of the requirements imposed by sections 9 and 10 of this Act, premises of any class ;

in cases where, in his opinion, it would, by reason of special circumstances, be unreasonable to require compliance with the requirements or requirement from which exemption is granted.

(2) An exemption under this section may be granted unconditionally or subject to conditions and without limit of time or for a specified period.

(3) The grant of an exemption under this section for a specified period shall not preclude the grant of the like exemption for further periods by further orders.

(4) The Minister shall not make an order under this section except after consultation with an organisation which appears to him to be representative of workers concerned and an organisation which appears to him to be representative of employers concerned and an organisation which appears to him to be representative of any other persons who appear to him to be concerned.

(5) 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.

Power of authorities who enforce Act to grant exemptions from certain requirements thereof.

46.—(1) The authority having power to enforce, with respect to any premises, the following provisions of this Act, namely, section 5(2) and sections 6 and 9, may—

- (a) exempt the premises or any room therein from all or any of the requirements imposed by the said sections 5(2) and 6 ;
- (b) exempt the premises from all or any of the requirements imposed by the said section 9 ;

if satisfied that, in the circumstances affecting the subject of the exemption, compliance with the requirements or requirement from which exemption is granted is not reasonably practicable.



(2) The authority having power to enforce section 10(1) of this Act with respect to any premises may, if satisfied that it is not reasonably practicable for running water to be supplied there or for running water so supplied to be heated, exempt the premises from so much of that subsection as requires the water supplied to be running water.

(3) An exemption under subsection (1) of this section of, or of a room in, any premises from a requirement of a provision of this Act may be granted for a period not exceeding two years, but may from time to time be extended for a further such period beyond the expiration of the period at the expiration of which it would otherwise expire if the authority having power to enforce that provision with respect to the premises are satisfied as mentioned in subsection (1) of this section and are further satisfied that the person who, if the exemption were not in force, would be responsible for a contravention in relation to the premises of that provision (being a contravention consisting in a failure to comply with that requirement) has not failed to do anything the doing of which might have rendered compliance with that requirement reasonably practicable.

(4) An exemption under subsection (2) of this section may be granted without limit of time or for a specified period; but the grant of such an exemption for a specified period shall not preclude the grant of the like exemption for further periods.

(5) An exemption of, or of a room in, any premises from a requirement imposed by a provision of this Act shall not be granted or extended under this section—

(a) except upon application made to the appropriate authority, in such form as may be prescribed by order made by the Minister,—

(i) in a case where the grant of an exemption is sought, by the person who would be responsible for a contravention in relation to the premises of that provision (being a contravention consisting in a failure to comply with that requirement);

(ii) in a case where the extension of an exemption is sought, by the person who, if the exemption were not in force, would be responsible as aforesaid;

(b) unless the application is accompanied by a certificate in such form as may be so prescribed, that the obligation to which the applicant is subject by virtue of subsection (6)(a) below has been complied with; and

(c) until the expiration of the period of fourteen days beginning with the day next following that on which the application is made.

(6) In relation to an application for the grant or extension of an exemption under this section of, or of a room in, any

premises, compliance by the applicant with the following requirements shall be requisite, namely,—

(a) he must, immediately before the application is made, post in the premises, in such a position, and in such characters, as to be easily seen and read by the persons employed to work in the premises, a notice—

(i) stating that such an application is being made;

(ii) specifying the requirement from which exemption or, as the case may be, further exemption, is being sought;

(iii) specifying the period for which the grant or, as the case may be, the extension, is being sought (or if, where a grant of exemption is being sought under subsection (2) of this section, it be the case that the grant thereof without limit of time is being sought, specifying that fact);

(iv) specifying the name and address of the authority to whom the application is being made and notifying the persons aforesaid that written representations with respect to the application may be made by any of them to that authority before the expiration of the period of fourteen days beginning with the day next following that on which the notice is posted in compliance with this paragraph;

(b) he must keep the said notice posted as aforesaid throughout the last-mentioned period;

and a person making an application under this section who fails to comply with an obligation to which he is, in relation to the application, subject by virtue of this subsection shall be guilty of an offence and liable to a fine not exceeding twenty pounds.

(7) An exemption under this section of, or of a room in, any premises from a requirement imposed by a provision of this Act may, if the authority having power to enforce that provision with respect to the premises cease to be satisfied with respect to the matters with respect to which they were satisfied when the exemption was granted or, if the exemption has been extended under subsection (3) of this section, when it was extended, be withdrawn by that authority provided that three months' notice of intention to withdraw it has been given to the person who, if the exemption were not in force, would be responsible for a contravention in relation to the premises of that provision (being a contravention consisting in a failure to comply with that requirement).

(8) Where an exemption of, or of a room in, any premises from a requirement imposed by a provision of this Act or an extension of such an exemption is granted under this section by an authority, a certificate of the grant or extension shall be sent by the authority to the person who, if the exemption were not in

force, would be responsible for a contravention in relation to the premises of that provision (being a contravention consisting in a failure to comply with that requirement).

(9) A certificate such as is mentioned in the last foregoing subsection shall, so long as the exemption whose grant or extension is certified thereby continues in force, be kept posted in the premises to which the exemption relates in such a position as to be easily seen and read by the persons employed to work in the premises.

(10) Notice of the refusal by an authority to grant or extend an exemption under this section shall be given by them to the applicant for the grant or extension and also (if it be the case that representations with respect to the application were duly made by the persons employed to work in the premises to which the application related or any of those persons), either individually to such of those persons as duly made representations or to a person appearing to the authority to be representative of such of those persons as duly made representations or to each of a number of persons who appear to the authority to be representative between them of such of those persons as duly made representations.

(11) A person who is aggrieved—

(a) by the refusal of an authority to grant or extend an exemption under this section of, or of a room in, any premises ; or

(b) by a notice of intention to withdraw such an exemption ; may, within twenty-one days of the refusal or, as the case may be, service of the notice, appeal, if the premises are situate in England or Wales, to a magistrates' court acting for the petty sessions area in which they are situate, or, if they are situate in Scotland, to the sheriff within whose jurisdiction they are situate, and on any such appeal—

(i) in a case falling within paragraph (a) above, the court or sheriff, if satisfied with respect to the matters with respect to which the authority would have to have been satisfied as a condition of their granting or extending the exemption, may order the authority to grant or extend it, in the case of an exemption under subsection (1) of this section, for such period not exceeding two years as may be specified in the order, and, in the case of an exemption under subsection (2) of this section, either without limit of time or for such period as may be so specified ;

(ii) in a case falling within paragraph (b) above, the court or sheriff, if satisfied with respect to the matters with respect to which the authority were satisfied when the exemption was granted or, if it has been extended, when it was extended, may order the authority to

cancel the notice of intention to withdraw the exemption.

(12) An application for the grant under this section of an exemption of, or of a room in, any premises from a requirement imposed by section 5(2), 6, 9 or 10(1) of this Act may be made, and such an exemption may be granted, despite the fact that the provision imposing the requirement is not in force in relation to the premises, but such an application shall not be entertained unless an order has been made under the following provisions of this Act appointing either in relation to all premises to which this Act applies or in relation to premises of a class within which fall the premises in question, a day for the coming into operation of that provision ; and for the purposes of the application of the foregoing provisions of this section to an application made by virtue of this subsection—

- (a) references to the authority having power to enforce with respect to the premises the provision imposing the requirement from which exemption is sought shall be construed as referring to the authority who would have power so to enforce that provision if it were in force ; and
- (b) the reference in subsection (5)(a)(i) to the person who would be responsible for such a contravention in relation to the premises of that provision as is therein mentioned shall be construed as referring to the person who, if that provision were in force, would be responsible for such a contravention as is so mentioned and the reference in subsection (8) to the person who, if the exemption were not in force, would be responsible as aforesaid shall, if the exemption is granted and the provision in question is not in force at the time of the grant, be similarly construed.

(13) In relation to an application made under this section with respect to, or to a room in, premises which form part of a building to which section 42 or 43 of this Act applies, subsection (6) above shall have effect with the substitution, for the words in paragraph (a) “ post in the premises ”, of the words “ post in the premises or in a part of the building which for the purposes of the said section 42 or the said section 43 (as the case may be) is referred to as a common part of the building ”.

(14) For the purposes of subsection (5) of this section, “ appropriate authority ”, in relation to an application for the grant or extension of an exemption of, or of a room in, any premises from a requirement imposed by section 5(2), 6, 9 or 10(1) of this Act,—

- (a) where the authority who, by virtue of section 52 of this Act, have power to enforce with respect to the premises the provision imposing the requirement (or, where the application is made by virtue of subsection

- (12) above, the authority who, by virtue of that section, would have power so to enforce that provision if it were in force) is other than a factory inspector, a mine and quarry inspector or a person authorised under subsection (3) or (6) of the said section 52, means that authority ;
- (b) where the authority who, by virtue of the said section 52, have power to enforce with respect to the premises the provision imposing the requirement (or, where the application is made as aforesaid, the authority who, by virtue of that section, would have power so to enforce that provision if it were in force) is a factory inspector or a person authorised under section 52(3) of this Act, means the factory inspector in charge of the district in which the premises are situate ;
- (c) where the authority who, by virtue of the said section 52, have power to enforce with respect to the premises the provision imposing the requirement (or, where the application is made as aforesaid, the authority who, by virtue of that section, would have power so to enforce that provision if it were in force) is a mine and quarry inspector or a person authorised under section 52(6) of this Act, means the mine and quarry inspector in charge of the district in which the premises are situate.

*Prohibition of Levying of Charges on Employees for Things done in Compliance with Act*

**47.** If the owner or the occupier of premises to which this Act applies or a person who employs persons to work therein levies, or suffers to be levied, upon a person so employed, any charge in respect of anything done or provided in pursuance of this Act or regulations thereunder, he shall be guilty of an offence.

Prohibition of levying of charges on employees for things done in compliance with Act.

*Notification of Accidents*

**48.—**(1) Where an accident in any premises to which this Act applies—

Notification of accidents.

- (a) causes loss of life to a person employed to work in the premises ; or
- (b) disables any such person for more than three days from doing his usual work ;

notice of the accident, in such form as may be prescribed by order made by the Minister and accompanied by such particulars as may be so prescribed, shall forthwith be sent by the occupier of the premises to the appropriate authority unless notice of the accident is required to be given under or by virtue of any other enactment.

(2) Where an accident causing disablement is notified under this section, and after notification thereof results in the death

of the person disabled, notice of the death shall, as soon as it comes to the knowledge of the occupier of the premises in which the accident occurred, be sent by him to the appropriate authority.

(3) Where an accident to which this section applies occurs to a person employed to work in any premises to which this Act applies and the occupier of the premises is not the actual employer of the person killed or disabled, 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.

(4) The Minister may by regulations made as respects premises to which this Act applies, or any class of such premises, give either or both of the following directions, namely,—

(a) a direction that, as respects accidents of such class as may be specified in the regulations, subsection (1) of this section shall have effect as if paragraph (b) had been omitted ;

(b) a direction that, as respects accidents of such class as may be so specified, that subsection shall have effect as if, in the said paragraph (b), for the reference to three days there had been substituted a reference to such other period (whether longer or shorter) as may be so specified.

(5) In this section “ appropriate authority ”, in relation to any premises,—

(a) where the authority having, by virtue of section 52 of this Act, power to enforce sections 4 to 27 of this Act with respect to the premises is other than a factory inspector, a mine and quarry inspector or a person authorised under subsection (3) or (6) of that section, means that authority ;

(b) where the authority having, by virtue of the said section 52, power to enforce sections 4 to 27 of this Act with respect to the premises is a factory inspector or a person authorised under section 52(3) of this Act, means the factory inspector in charge of the district in which the premises are situate ;

(c) where the authority having, by virtue of the said section 52, power to enforce sections 4 to 27 of this Act with respect to the premises is a mine and quarry inspector or a person authorised under section 52(6) of this Act, means the mine and quarry inspector in charge of the district in which the premises are situate.

#### *Information*

Notification  
of fact of  
employment  
of persons.

49.—(1) Before a person first begins, after the coming into operation of this subsection with respect to any office, shop or railway premises, to employ persons to work therein, he shall

serve on the appropriate authority two copies of a notice stating that persons will be employed by him so to work and containing such other (if any) information as may be prescribed by order of the Minister, being a notice in such form and of such size as may be so prescribed.

(2) Where, at the date of coming into force of this section with respect to any office, shop or railway premises, a person is employing persons to work therein he shall, before the expiration of such period beginning with that date as may be prescribed by order made by the Minister, serve on the appropriate authority two copies of a notice stating that fact and containing such other (if any) information as may be so prescribed, being a notice in such form and of such size as may be so prescribed.

(3) A person who fails to comply with an obligation to which he is subject by virtue of either of the foregoing subsections shall be guilty of an offence and liable to a fine not exceeding twenty pounds.

(4) Proceedings for an offence under this section may be commenced at any time within twelve months from the time when the offence was committed.

(5) In this section "appropriate authority" has the same meaning as in the last foregoing section.

**50.**—(1) The Minister may by regulations require the taking of such steps as may be prescribed by the regulations for the purpose of securing that persons employed to work in premises to which this Act applies, or in any class of such premises as may be specified in the regulations, are informed of the effect of this Act and the regulations thereunder or, as the case may be, of the effect of so much of this Act and the regulations thereunder as has effect in relation to premises of that class. Information for employees.

(2) Without prejudice to the generality of the foregoing subsection, the steps that may be required by virtue thereof to be taken may include the posting in premises of such abstracts of, or of parts of, this Act and the regulations thereunder as may be prescribed by the regulations and the giving to persons employed to work in premises of books or leaflets explanatory of, or of parts of, this Act and the regulations thereunder, being books or leaflets prepared under the auspices of the Minister.

(3) Different provision may be made by regulations under this section in relation to premises of different classes.

(4) A person who contravenes a provision of regulations under this section shall be guilty of an offence.

*Power to adapt Act in relation to covered Markets*

**51.**—(1) The Minister may by special regulations direct, in the case of premises consisting of a covered market place wherein shop premises are aggregated,— Power to adapt Act in relation to covered markets.

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- (a) that such of the foregoing provisions of this Act as may be specified in the regulations shall not apply to the premises aggregated in the market place ;
- (b) that such of the said provisions as may be so specified shall in their application to the premises so aggregated have effect subject to such modifications as may be so specified ;
- (c) that such of the said provisions as may be so specified shall not apply to the premises so aggregated but shall (subject to such, if any, modifications as may be so specified) apply to the market place and that, in the event of a contravention of a provision applied by virtue of this paragraph, such person as may be so specified shall be guilty of an offence.

(2) In this section the expression "covered market place" shall be construed generally and not as limited to a place where a market is held by virtue of a grant from the Crown or of prescription or under statutory authority.

#### *Enforcement*

**Authorities  
who are to  
enforce Act.**

**52.—**(1) It shall be the duty of every local authority to enforce within their area (and for that purpose to appoint inspectors) the foregoing provisions of this Act and regulations thereunder—

- (a) except sections 28 to 38 and regulations under any of them ; and
- (b) except, as regards any other section or regulations, in a case for which provision for the enforcement of that section or those regulations is made by the following provisions of this section.

(2) It shall be the duty of the authority discharging in any area the functions of fire authority under the Fire Services Act 1947 to enforce within that area (and for that purpose to appoint inspectors) sections 28 to 38 of this Act and regulations under any of those sections, subject, however, to the following qualifications:—

- (a) they shall not have the duty to enforce those sections and regulations with respect to premises falling within subsection (3) of this section ;
- (b) they shall not have the duty to enforce, with respect to premises falling within subsection (4) or (6) of this section, sections 33, 34 or 36, regulations under section 37, section 38(1) or regulations under section 38(2).

(3) The foregoing provisions of this Act and regulations thereunder shall, as regards,—

- (a) premises occupied by the council of a county ;
- (b) premises occupied by a local authority ;
- (c) premises provided and maintained by the council of a county for purposes connected with the administration



of justice or provided and maintained by a local authority for such purposes ;

- (d) premises comprised in premises used for the purposes of a school which, within the meaning of the Education Act 1944, is maintained by a local education authority ;
- (e) premises occupied by a probation committee constituted under the Criminal Justice Act 1948 or the Criminal Justice (Scotland) Act 1949 ;
- (f) premises occupied by a fire authority constituted by a combination scheme made under the Fire Services Act 1947 ;
- (g) premises occupied by a police authority or the receiver for the metropolitan police district ; and
- (h) premises occupied by the United Kingdom Atomic Energy Authority ;

be enforceable by factory inspectors and such persons (other than factory inspectors) as the Minister may authorise in that behalf.

(4) The foregoing provisions of this Act and regulations thereunder (except sections 28, 29 and 30 and regulations under section 35) shall, as regards—

- (a) premises which are not, for the purposes of the Factories Act 1961, a factory but which, but for the operation of section 175(6) of that Act, would, for the purposes of that Act, form part of a factory, not being premises contained in office or shop premises ;
- (b) premises to which section 26 of this Act applies ;
- (c) premises which, but for the following provisions of this Act, would, for the purposes of section 123(1), 124(1) or 125(1) of the Factories Act 1961, form part of premises to which, as the case may be, the said section 123(1), the said section 124(1) or the said section 125(1) applies, but not including such a building or part of a building as, by virtue of those provisions, is excluded from the said section 125(1) ;
- (d) railway premises ;
- (e) office premises occupied by railway undertakers for the purposes of the railway undertaking carried on by them and situate in the immediate vicinity of the permanent way (not being office premises comprised in hotels) ; and
- (f) fuel storage premises owned by railway undertakers ;

not being, in any of those cases, premises falling within subsection (3) of this section, be enforceable by factory inspectors and persons authorised under that subsection.

(5) It shall be the duty of the London County Council, as regards office or shop premises forming part of a place of public entertainment within the administrative county of

London other than such a place occupied by them, to enforce (and for that purpose to appoint inspectors) the foregoing provisions of this Act and regulations thereunder, other than provisions or regulations which it is their duty to enforce in their capacity of a fire authority under the Fire Services Act 1947.

(6) The foregoing provisions of this Act and regulations thereunder (except sections 28, 29 and 30 and regulations under section 35) shall, as regards office or shop premises which, for the purposes of the Mines and Quarries Act 1954, form part of a mine or quarry, be enforceable by mine and quarry inspectors and such persons (other than mine and quarry inspectors) as the Minister of Power may authorise in that behalf.

(7) Nothing in the provisions of this section charging any authority in Scotland with the enforcement of this Act or regulations thereunder shall be construed as authorising that authority to institute proceedings for any offence.

Powers of local authorities' and Minister's inspectors.

**53.**—(1) Any such person as follows (hereafter in this section referred to as an “inspector”), namely, an inspector appointed under subsection (1), (2) or (5) of the last foregoing section, a factory inspector and a person authorised by the Minister under subsection (3) of that section, shall, for the purpose of the execution of this Act, have power to do all or any of the following things, namely,—

(a) at any reasonable time to enter any such premises as the following, and to inspect the whole or any part thereof and anything therein, that is to say:—

(i) any premises to which this Act applies ;

(ii) any premises (other than as aforesaid) in which any conveniences, facilities or other thing are or is provided in pursuance of this Act or regulations thereunder ;

(iii) any premises which, for the purposes of section 42 or 43 of this Act constitute a common part of a building to which the said section 42 or, as the case may be, the said section 43, applies ;

(iv) any premises falling within section 51 of this Act ;

(v) any premises which he has reasonable cause to believe to be premises falling within any of the foregoing sub-paragraphs ; and

(vi) any premises with respect to which he has reasonable cause to believe that materials of a kind prescribed by virtue of section 29(1)(c) of this Act are therein used or are therein stored in a quantity not less than that so prescribed, being premises situate underneath premises to which this Act applies ;

(b) to make such examination and inquiry as may be necessary—

(i) to ascertain whether, so far as regards any such premises as aforesaid or conveniences, facilities or other things therein provided, the provisions of this Act and regulations thereunder are complied with ; or

(ii) to verify any belief that he has formed that any premises fall within sub-paragraph (i), (ii) (iii) or (iv) of paragraph (a) above or that, in premises situate as mentioned in sub-paragraph (vi) of that paragraph, materials of a kind therein mentioned are used or are stored as so mentioned ; or

(iii) to identify the owner or occupier of any premises falling within sub-paragraph (i), (ii), (iii) or (iv) of paragraph (a) above ;

(c) on entering any premises to take with him a constable if he has reasonable cause to apprehend any serious obstruction in the exercise of the powers conferred on him by this subsection ;

(d) for the purpose of any examination or inquiry under the foregoing provisions of this subsection to require any person whom he finds in any such premises as are mentioned in paragraph (a) above or whom he has reasonable cause to believe to be, or to have within the preceding two months been, employed to work in any such premises, to answer (in the absence of persons other than any whom the inspector may allow to be present) such questions as the inspector thinks fit to ask and to sign a declaration of the truth of his answers, so, however, that no answer given by a person in pursuance of a requirement imposed under this paragraph shall be admissible in evidence against him in any proceedings ;

(e) to require the production of, and to inspect, any fire certificate in force with respect to any premises to which this Act applies ;

(f) to require any person having responsibilities in relation to any such premises as are mentioned in paragraph (a) above (whether or not the owner or occupier of the premises or a person employed to work therein) to give him such facilities and assistance with respect to any matters or things to which the responsibilities of that person extend as are necessary for the purpose of enabling the inspector to exercise any of the powers conferred on him by this subsection ;

(g) to exercise such other powers as may be necessary for carrying this Act into effect.

(2) A person who—

- (a) fails to comply with any requirement imposed by an inspector under the foregoing subsection ; or
- (b) prevents, or attempts to prevent, any other person from appearing before an inspector or from answering any question to which an inspector may, by virtue of the foregoing subsection, require an answer ; or
- (c) obstructs an inspector in the exercise or performance of his powers or duties ;

shall be guilty of an offence and liable to a fine not exceeding twenty pounds.

Powers of  
Minister of  
Power's  
inspectors.

**54.—**(1) Section 145 of the Mines and Quarries Act 1954 shall have effect as if references therein to that Act included references to the foregoing provisions of this Act.

(2) A person authorised under section 52(6) of this Act by the Minister of Power shall, for the purpose of the enforcement, with respect to such office or shop premises as are mentioned in that subsection, of this Act and regulations thereunder have the like powers as are conferred on mine and quarry inspectors by the provisions of section 145(1) of the Mines and Quarries Act 1954 as extended by the foregoing subsection (other than the provisions of sub-paragraphs (b) (ii) and (d) (ii) and (iii) and paragraph (f)) ; and section 145(2) of that Act (obstruction, &c., of inspectors) shall, with requisite modifications, apply accordingly.

Production  
by local  
authorities'  
and Minister's  
inspectors of  
evidence of  
authority.

**55.** A person who is an inspector within the meaning of section 53 of this Act shall, if so required when visiting any premises in exercise of powers conferred by that section, produce to the occupier of the premises—

- (a) if he is a factory inspector, the certificate of appointment issued to him under section 150 of the Factories Act 1961 ;
- (b) if he is a person appointed under section 52(1), (2) or (5) of this Act, some duly authenticated document showing that he is so appointed ;
- (c) if he is a person authorised under section 52(3) of this Act by the Minister, some duly authenticated document showing that he is so authorised.

Exercise, on  
behalf of  
factory and  
mine and  
quarry  
inspectors, of  
their powers  
by officers of  
fire brigades.

**56.—**(1) The like powers as are conferred by section 53 of this Act on a factory inspector shall be exercisable, in relation to any premises, by an officer of the appropriate fire brigade when authorised in writing by such an inspector for the purpose of reporting to the inspector on any such matter falling within the inspector's duties under this Act with respect to the premises as relates to fire ; and subsection (2) of that section shall, with requisite modifications, apply accordingly.

(2) The like powers as are conferred by section 54(2) of this Act on a person authorised under section 52(6) thereof shall be

exercisable, in relation to any premises, by such an officer as aforesaid when authorised in writing by a mine and quarry inspector for the purpose of reporting to the inspector on any such matter falling within the inspector's duties under this Act with respect to the premises as relates to fire ; and section 145 (2) of the Mines and Quarries Act 1954 shall, with requisite modifications, apply accordingly.

(3) An officer exercising any power conferred by this section shall, if asked so to do, produce his authority.

(4) Neither a factory inspector nor a mine and quarry inspector shall authorise an officer of a fire brigade to enter and inspect any premises except with the consent of the authority maintaining the brigade.

(5) In this section " appropriate fire brigade " means, in relation to any premises, the fire brigade maintained by the authority discharging in the area in which the premises are situate the functions of fire authority under the Fire Services Act 1947.

57.—(1) For the purpose of securing that the duties under this Act of local authorities and the London County Council with respect to the enforcement of the foregoing provisions of this Act and regulations thereunder (except sections 28 to 38) and regulations under any of them) are discharged in uniform manner, the Minister—

Provisions for securing discharge of local authorities' duties in uniform manner.

- (a) may make regulations with respect to the manner of the discharge of those duties and of the exercise of the powers conferred by this Act on inspectors appointed by local authorities and the London County Council respectively ;
- (b) may, with the approval of the Treasury as to numbers and salaries, appoint officers to be charged with the duty of securing that he is at all material times in possession of all information requisite to enable him to determine whether those duties are being so discharged and of advising local authorities and the London County Council on matters concerning the discharge by them of those duties.

(2) An officer appointed under this section may inquire into the manner in which the duties aforesaid are for the time being discharged by a local authority or the London County Council and, for that purpose, may—

- (a) examine any records kept in connection with the discharge of those duties by the authority or Council ;
- (b) require the authority or Council or an inspector appointed by them in pursuance of this Act to give such assistance and information as the officer may reasonably specify ; and

(c) make inquiries of any person who appears to the officer likely to be able to give him information with respect to the manner in which the duties aforesaid are for the time being discharged by the authority or Council.

(3) The results of an inquiry under the last foregoing subsection shall, if the Minister so directs, be reported to him in writing by the officer by whom it was carried out; and where that is done, the Minister shall send a copy of the report to the local authority in question (or to the London County Council, in a case where the subject of the inquiry was the manner in which their duties were for the time being discharged) and may, if he thinks fit, publish it in whole or in part.

(4) The like powers as, by section 53 of this Act, are conferred on an inspector within the meaning of that section shall be exercisable by an officer appointed under this section; and subsection (2) of that section shall, with requisite modifications, apply accordingly.

(5) An officer appointed under this section shall, if so required when visiting any premises in exercise of powers conferred by the foregoing subsections, produce to the occupier of the premises some duly authenticated document showing that he is so appointed.

Power of local authorities to indemnify their inspectors.

**58.** Where an action has been brought against an inspector appointed under section 52(1) or (5) of this Act in respect of an act done by him in the execution or purported execution of this Act and the circumstances are such that he is not legally entitled to require the authority by whom he was appointed to indemnify him, the authority may, nevertheless, indemnify him against the whole or part of any damages and costs or expenses which he may have been ordered to pay or may have incurred, if they are satisfied that he honestly believed that the act complained of had been within the scope of his employment and that his duty under this Act required or entitled him to do it.

Restriction of disclosure of information.

**59.** If a person discloses (otherwise than in the performance of his duty or for the purposes of any legal proceedings, including arbitrations, or for the purposes of a report of any such proceedings as aforesaid) any information obtained by him in any premises entered by him in exercise of powers conferred by or by virtue of this Act, he shall 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 or to both such fine and such imprisonment.

Annual reports to Minister by local and fire authorities.

**60.—(1)** A local authority, an authority discharging in any area the functions of fire authority under the Fire Services Act 1947 and the London County Council shall, as soon as practicable after the 31st December in the year in which this section comes into operation (and, in any event, not later than

the end of March following), make to the Minister a report of their proceedings under this Act during the period beginning with the day on which this section comes into operation and ending with the said 31st December, being a report containing particulars with respect to such matters arising thereunder as he may by order prescribe, and shall, as soon as practicable after each anniversary of the last-mentioned day (and, in any event, not later than the end of March following) make to the Minister a report of their proceedings under this Act during the twelve months ending with that anniversary, being a report containing the like particulars.

(2) A copy of every report made in pursuance of the foregoing subsection by an authority shall be kept at the authority's offices, shall be open to inspection by any person at all reasonable hours free of charge and shall be supplied to any person on payment of a reasonable charge therefor.

**61.**—(1) Sections 322 to 325 (transfer of powers and duties of authorities in default) of the Public Health Act 1936 shall, subject to the modifications mentioned in the next following subsection, be deemed to be incorporated in this Act.

Transfer of powers and duties of English or Welsh local authorities in default.

(2) The modifications referred to in the foregoing subsection are the following:—

- (a) references to the Minister shall be construed as referring to the Minister of Labour;
- (b) for the words “ council, port health authority or joint board ” (wherever occurring) and the words “ council, authority or board ” (wherever occurring) there shall be substituted the words “ local authority ”;
- (c) in section 322(3)(i), for the words from “ the council of a county district ” to “ one county ” (where secondly occurring) there shall be substituted the words “ a local authority other than the council of a county borough ”;
- (d) in section 323, for the words “ the council of a county district, a port health authority or a joint board ”, there shall be substituted the words “ a local authority ”, and in paragraph (a) of that section for the word “ grant ” there shall be substituted the word “ contribution ”;
- (e) in section 324(2) the words “ port health authority or joint board ” and the words “ or board ” shall be omitted.

(3) Subsections (2) to (5) of section 290 of the Local Government Act 1933 (which provides for the holding of inquiries for the purposes of that Act) shall, with the substitution, for references to a department, of references to the Minister, apply

to an inquiry held under the said section 322 by virtue of subsection (1) of this section as they apply to an inquiry held under the said section 290.

(4) This section extends to England and Wales only.

Exercise and performance by Minister of powers of Scottish local authorities in default.

62.—(1) If the Minister is of opinion that an investigation should be made as to whether a local authority have failed to discharge any of their functions under this Act, he may cause a local inquiry to be held, and if, after the inquiry has been held, he is satisfied that there has been such a failure on the part of the local authority, he may by order empower an officer of his department to discharge or procure the discharge of any such function.

(2) The amount (as certified by the Minister) of any expenses incurred in pursuance of the foregoing subsection shall, on demand, be paid to him by the local authority and shall be recoverable by him from them as a debt due to the Crown, and the authority shall have the like power of raising the money required as they have of raising money for defraying expenses incurred directly by them as a local authority.

(3) In relation to a local inquiry held under subsection (1) above, the provisions of subsections (3) to (9) of section 355 of the Local Government (Scotland) Act 1947 (which relate to local inquiries) shall apply as they apply in relation to local inquiries under that section.

(4) Nothing in this section shall affect any other power exercisable by the Minister with respect to defaults of local authorities.

(5) This section extends to Scotland only.

#### *Offences, Penalties and legal Proceedings*

Offences.

63.—(1) In the event of a contravention, in relation to any premises to which this Act applies, of any such provisions of this Act as are mentioned in subsection (2) of this section or of regulations made under any such provisions, then—

- (a) except in a case falling within either of the two following paragraphs, the occupier of the premises shall be guilty of an offence ;
- (b) in a case where the contravention is one for which, by or by virtue of this Act, some other person or persons is or are made responsible as well as the occupier of the premises, that other person or those other persons and the occupier shall each be guilty of an offence ;
- (c) in a case where the contravention is one for which, by or by virtue of this Act, some other person or persons is or are made responsible instead of the



occupier of the premises, that other person or each of those other persons shall be guilty of an offence.

(2) The provisions of this Act referred to in the foregoing subsection are sections 4, 5, 6(1) to (5), 7 to 12, 13(1), 14 to 19, 23, 24, 28, 29(6), 30(1), 33 to 38, 46(9) and 48(1) and (2).

**64.**—(1) A person guilty of an offence under this Act for which no express penalty is provided shall be liable to a fine not exceeding sixty pounds and, if the contravention constituting the offence of which he is guilty is continued after his conviction of the offence, he shall 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.

Penalty for offences for which no express penalty is provided.

(2) The foregoing subsection shall, in a case where the court by which a person is convicted of any such offence as aforesaid is satisfied that the contravention constituting the offence was likely to cause the death of, or serious bodily injury to, any person, have effect as if, for the reference to sixty pounds, there were substituted a reference to three hundred pounds.

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

Offences by bodies corporate.

(2) In the foregoing subsection, the expression “director”, in relation to any body corporate which is established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking and whose affairs are managed by the members thereof, means a member of that body.

**66.** Where a contravention of a provision of this Act or of regulations thereunder for which a person is, by virtue of the foregoing provisions of this Act, liable on conviction to a penalty was due to an act or default of another person, then, whether proceedings are or are not taken against the first-mentioned person, that other person may be charged with, and convicted of, the offence constituted by the contravention and shall, on conviction, be liable to the same punishment as that to which the first-mentioned person is, on conviction, liable.

Penalty on persons actually committing offences for which others are liable.

**67.** It shall be a defence for a person charged with a contravention of a provision of this Act or of regulations thereunder to prove that he used all due diligence to secure compliance with that provision.

Defence available to persons charged with offences.

Falsification  
of documents,  
false  
statements,  
&c.

**68.**—(1) If a person—

(a) with intent to deceive, forges—

(i) a fire certificate or a certificate such as is mentioned in section 46(8) of this Act ; or

(ii) an instrument issued under regulations under this Act whereby exemption is granted from any provision of the regulations ;

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

(b) for the purpose of procuring the issue of a fire certificate or the grant or extension of an exemption under section 46 of this Act or the issue under regulations under this Act of an instrument whereby exemption is granted from any provision of the regulations, makes a statement which he knows to be false in a material particular or recklessly makes a statement which is so false, or produces, furnishes, sends or otherwise makes use of a document which he knows to be so false or recklessly produces, furnishes, sends or otherwise makes use of a document which is so false ; or

(c) wilfully makes a false entry in any register, book, notice or other document required by or by virtue of this Act to be kept, served or given ;

he shall 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 or to both such fine and such imprisonment.

(2) If a person falsely pretends to be an inspector appointed under section 52(1), (2) or (5) of this Act, a person authorised under subsection (3) of that section by the Minister, a person authorised under subsection (6) of that section by the Minister of Power or an officer appointed under section 57 of this Act by the Minister, he shall be guilty of an offence and liable to a fine not exceeding ten pounds.

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

Removal or  
defacement  
of documents  
posted in  
pursuance  
of Act or  
regulations  
under it.

**69.** If, without reasonable excuse, a person removes, injures or defaces a notice or other document which is for the time being posted or displayed in any premises in pursuance of a provision of this Act or of regulations thereunder, he shall be guilty of an offence and liable to a fine not exceeding ten pounds.

Prosecution  
of offences.

**70.**—(1) All offences under this Act shall be triable summarily.

(2) A magistrates' court or sheriff shall, in any proceedings for an offence under this Act, if required by either party, cause a note of the evidence to be taken and preserved.

(3) A factory inspector, if authorised in that behalf by the Minister, may, although not of counsel or a solicitor, prosecute or conduct before a magistrates' court or before a sheriff proceedings for an offence under this Act.

(4) Notwithstanding any rule of law in Scotland, it shall not be an objection to the competence of a factory inspector to give evidence as a witness in any prosecution for an offence under this Act that the prosecution is brought at his instance or conducted by him.

**71.**—(1) An inspector appointed under this Act by a local authority may, if duly authorised in that behalf by a general resolution of the authority, make a summary application under section 22 of this Act with respect to any premises with respect to which the authority have power to enforce any of the provisions of sections 4 to 21 of this Act; and for the purposes of this subsection the expression "premises" includes a common part of a building to which section 42 or section 43 of this Act applies.

Local authorities' inspectors in Scotland to have power to institute proceedings in certain cases.

(2) An inspector appointed under this Act by the authority discharging in any area the functions of fire authority under the Fire Services Act 1947 may, if duly authorised as aforesaid by the authority, make a summary application under section 32 of this Act with respect to any premises in that area with respect to which they are the appropriate authority for the purposes of that section.

**72.** A 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.

**73.**—(1) A person who, by reason of the terms of an agreement or lease relating to any premises, is prevented from therein carrying out or doing any structural or other alterations or other thing whose carrying out or doing is requisite in order to secure compliance with a provision of this Act or of regulations thereunder which is, or will become, applicable to the premises, in order to comply with a requirement imposed by a notice served under section 30(4) or 35(2) of this Act or in order to enable effect to be given to proposals without contravention of a prohibition imposed by a notice served under the said section 30(4), may apply to the county court within whose jurisdiction the premises are situate, and the court may make such an order setting aside or modifying any terms of the agreement or lease as the court considers just and equitable in the circumstances of the case.

Power of county court and sheriff to modify agreements and apportion expenses.

(2) Where the carrying out or doing in any premises of any structural or other alterations or other thing whose carrying out or doing is requisite as mentioned in the foregoing subsection involves a person having an interest in the premises in expense or in increased expense, and he alleges that the whole or part of the expense or, as the case may be, the increase ought to be borne by some other person having an interest in the premises, the first-mentioned person may apply to the county court within whose jurisdiction the premises are situate, and the court, having regard to the terms of any agreement or lease relating to the premises, may by order give such directions with respect to the persons by whom the expense or increase is to be borne, and in what proportions it is to be borne by them and, if need be, for modification of the terms of any such agreement or lease so far as concerns rent payable in respect of the premises as the court considers just and equitable in the circumstances of the case.

(3) In the application of this section to Scotland, for references to a county court there shall be substituted references to the sheriff.

#### *Amendments of other Acts*

Amendment of sections 123(1) and 124(1) of Factories Act 1961, and provisions consequential thereon.

**74.**—(1) For the purposes of section 123(1) (application of Act to electrical stations) of the Factories Act 1961, office premises to which this Act applies which are comprised in premises to which that subsection applies shall, notwithstanding that they are so comprised, be deemed not to form part of the premises.

(2) The Minister may by special regulations provide that premises which, but for the operation of the foregoing subsection, would, for the purposes of the said section 123(1), form part of premises to which the said section 123(1) applies, or any class of premises such as are first-mentioned in this subsection,—

(a) shall be excepted from the operation of section 24 of this Act; and

(b) shall, notwithstanding the foregoing subsection, be deemed for the purposes of section 61 (first aid) of the said Act of 1961 to form part of the premises of which, but for that subsection, they would, for the purposes of the said section 123(1), form part.

(3) Regulations under this section may provide that, for the purposes of the application to premises to which the said section 123(1) applies of subsection (4) of the said section 61, persons employed to work in premises which, by virtue of the regulations, are deemed for the purposes of the said section 61 to form part of the first-mentioned premises shall (according as may be specified in the regulations) be left out of account or be taken into

account to a number (ascertained in accordance with the regulations) less than the full number thereof.

(4) The foregoing provisions of this section shall, with the substitution, for references to the said section 123(1), of references to section 124(1) (institutions) of the Factories Act 1961, have effect with respect to office premises to which this Act applies which are comprised in premises to which the said section 124(1) applies, as they have effect with respect to office premises to which this Act applies which are comprised in premises to which the said section 123(1) applies.

**75.—**(1) For the purposes of section 125(1) (docks, etc.) of the Factories Act 1961, office premises to which this Act applies which are comprised in premises to which that subsection applies shall, notwithstanding that they are so comprised, be deemed not to form part of the premises.

Amendment of section 125(1) of Factories Act 1961, and provisions consequential thereon.

(2) The Minister may by special regulations provide that premises which, but for the operation of the foregoing subsection, would, for the purposes of the said section 125(1), form part of premises to which the said section 125(1) applies, or any class of premises such as are first-mentioned in this subsection,—

- (a) shall be excepted from the operation of section 24 of this Act; and
- (b) shall, notwithstanding the foregoing subsection, be deemed for the purposes of any regulation as to first aid made by virtue of section 125(2) of the said Act which is applicable to the premises of which, but for the foregoing subsection, they would, for the purposes of the said section 125(1), form part, to form part of those premises.

(3) The reference in the said section 125(1) to a warehouse in or for the purposes of which mechanical power is used, being a warehouse neither forming part of a factory nor belonging to the owners, trustees or conservators of a dock, wharf or quay, shall be construed as not including a building occupied by a wholesale dealer or merchant where goods are kept for sale wholesale or a part of a building so occupied where goods are so kept.

**76.—**(1) Where plans of a building or of an extension of a building are, in accordance with building byelaws or building regulations, deposited with a local authority, and the building or, as the case may be, the building as extended will be a building to which section 59 (exits, entrances, &c., in the case of certain public, and other, buildings) of the Public Health Act 1936 applies and, in the authority's opinion, will be likely to be the subject of an application under section 29 of this Act, the authority (if not themselves the authority discharging, in

Amendment of Public Health Act 1936.

the area in which the building or the building as extended is or will be situate, the functions of fire authority under the Fire Services Act 1947) shall, before passing or rejecting the plans, seek consultation thereon with the authority discharging, in that area, those functions.

(2) Neither subsections (2) to (4) of section 59 of the said Act of 1936 nor section 60 (means of escape from fire in the case of certain high buildings) thereof nor any provision of a local Act which has effect in place of the said section 60 shall apply to premises with respect to which a fire certificate is for the time being in force.

(3) Section 92(1)(e) of the said Act of 1936 (which includes, amongst the statutory nuisances that may be dealt with summarily under Part III of that Act, ill-ventilated, dirty, overcrowded or malodorous workplaces) shall not apply to premises to which this Act applies.

Exclusion of application of sections 128 and 129 of Public Health (London) Act 1936.

**77.** Sections 128 (nuisances from factories, workshops and work places) and 129 (limewashing and washing of factories, workshops and workplaces) of the Public Health (London) Act 1936 shall not apply to premises to which this Act applies.

Provision for securing exercise of local Act powers in conformity with this Act.

**78.** A person required by or under a local Act to effect any alterations to, or to any apparatus or fittings in, a building shall not be treated as having acted in contravention of that enactment by reason of his failure to effect those alterations in so far as the failure is attributable to the fact that remedying it would involve a contravention of this Act or regulations thereunder.

#### *General Provisions*

Minister to report to Parliament.

**79.** The Minister shall annually lay before Parliament a report of his proceedings under this Act and generally about the operation of this Act.

Regulations and orders.

**80.—(1)** Any regulations or orders made under this Act by the Minister (other than orders made under section 62 of this Act) shall be made by statutory instrument.

(2) A 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 and any power conferred by or by virtue of this Act to make an order (except the power conferred by section 62 of this Act) shall respectively include power to make different provision in relation to different circumstances.

(4) 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 Minister.

(5) Regulations under this Act may grant or provide for the granting of exemptions from any of the provisions of the regulations, either unconditionally or subject to conditions.

(6) Regulations under this Act may empower the Minister by order to prescribe any particulars required to be furnished to any person in pursuance of the regulations and any form to be used for any purpose of the regulations; and the Statutory Instruments Act 1946 shall apply to an order made by virtue of this subsection as it applies to an order made under this Act.

(7) Any power conferred by or by virtue of this Act to make an order shall include power to vary or revoke the order by a subsequent order.

(8) The provisions of Schedule 1 to this Act shall have effect with respect to regulations referred to in this Act as special regulations.

**81.**—(1) A notice required or authorised by or by virtue of this Act to be served on or given to a factory inspector or a mine and quarry inspector may be served or given by delivering it to him or by leaving it at, or sending it by post to, his office. Mode of service of notices under this Act.

(2) Any such notice required or authorised to be served on or given to a person other than a factory inspector or a mine and quarry inspector may be served or given by delivering it to him, or by leaving it at his proper address, or by post.

(3) Any such notice required or authorised to be served on or given to a corporation or firm shall be duly served or given if it is served on or given to, as the case may be, the secretary or clerk of the corporation or a partner of the firm.

(4) For the purposes of this section and of section 26 of the Interpretation Act 1889 in its application to this section the proper address of a person on or to whom any such notice as aforesaid is to be served or given shall, in the case of the secretary or clerk of a corporation, be that of the registered or principal office of the corporation, in the case of a partner of a firm, be that of the principal office of the firm, and, in any other case, be the last known address of the person to be served:

Provided that, where the person on or to whom the notice is to be served or given has, in accordance with arrangements agreed, furnished an address for the service or giving of the notice, being an address in the United Kingdom, his proper address for the purposes aforesaid shall be the address furnished.

(5) If the name or the address of any owner or occupier of land on or to whom any such notice as aforesaid is to be served or given cannot after reasonable inquiry be ascertained by the authority or person seeking to serve or give the notice,

the notice may be served or given by addressing it to the person on or to whom it is to be served or given by the description of "owner" or "occupier" of the land (describing it) to which the notice relates, and by delivering it to some responsible person resident or appearing to be resident on the premises, or, if there is no such person to whom it can be delivered, by affixing it or a copy of it to some conspicuous part of the premises.

(6) The foregoing provisions of this section shall apply to the sending of a document as they apply to the giving of a notice.

**Expenses  
and receipts.**

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

- (a) any expenses incurred by the Minister in carrying this Act into effect ;
- (b) any increase attributable to this Act in the expenses of the Minister of Power which, by virtue of section 3(3) of the Ministry of Fuel and Power Act 1945, are defrayed out of moneys so provided ;
- (c) any increase attributable to this Act in the sums payable by way of General Grant, Rate Deficiency Grant or Exchequer Equalisation Grant under the enactments relating to local government in England and Wales or in Scotland.

(2) Any sums received under this Act by the Minister shall be paid into the Exchequer.

**Application to  
the Crown.**

**83.—(1) The following provisions of this Act, namely sections 4 to 21, 23, 24, 27, 28, 29(1) and (11), 33, 34, 35(1), 36 to 38, 42 and 43 shall, in so far as they impose duties failure to comply with which might give rise to a liability in tort, be binding upon the Crown, and accordingly, for the purposes of those provisions and regulations under any of them, persons in the service of the Crown shall be taken to be employed if, apart from this subsection, they would not be so taken.**

(2) Section 24(7) of this Act shall, in its application to premises occupied by the Crown, have effect with the substitution, for the reference to the authority having power to enforce compliance with the foregoing provisions of that section, of a reference to a factory inspector or a person authorised under section 52(3) of this Act.

(3) Section 29(1) of this Act shall, in its application to premises owned or occupied by the Crown, have effect with the substitution, for the reference to the appropriate authority, of a reference to a factory inspector or a person authorised under



section 52(3) of this Act; and sections 29(2) to (8) and (10), 30(2) to (6), 32 and 35(2) shall not apply to premises occupied by the Crown or to premises which, though not so occupied, form part of a building owned by the Crown, and shall, in their application to premises owned by the Crown but not occupied by it (not being premises in such a building as aforesaid) have effect as if—

- (a) for references to the appropriate authority (except references in sections 29(2) and (8) and 30(3), the second reference in section 30(4)(b) and the second reference in section 30(6)), there were substituted references to a factory inspector or a person authorised under section 52(3) of this Act;
- (b) for references to that authority in the said sections 29(2) and (8) and 30(3), for the second reference thereto in section 30(4)(b) and for the second reference thereto in section 30(6), there were substituted references to the factory inspector in charge of the district in which the premises are situate.

(4) Section 46 of this Act shall, in the case of premises occupied by the Crown, have effect as if, for any reference to an authority having power to enforce any provision of this Act, there were substituted a reference to a factory inspector or a person authorised under section 52(3) of this Act and as if the words in subsection (3) from “and are further satisfied” onwards, and subsections (5) to (14), had been omitted; and an exemption of, or of a room in, any such premises from a requirement imposed by a provision of this Act may be granted under the said section 46 despite the fact that the provision imposing the requirement is not in force in relation to the premises.

(5) Sections 52 and 53 of this Act shall not be construed as extending to the enforcement of provisions of this Act or regulations thereunder against the Crown or, in so far as they are enforceable, as regards premises owned or occupied by the Crown, against any other person, or as authorising the entry of premises occupied by the Crown, but any such provisions and regulations shall, in so far as they are enforceable, as regards premises owned or occupied by the Crown, against any other person, be enforceable by factory inspectors and persons authorised under section 52(3) of this Act.

(6) The reference in subsection (1) of this section to a liability in tort shall be construed as not including such a liability towards a member of the armed forces of the Crown, and the reference in that subsection to persons in the service of the Crown shall be construed as not including any such member.

(7) In the application of this section to Scotland any reference to a liability in tort shall be construed as a reference to a

liability in reparation arising from any wrongful or negligent act or omission.

Exclusion of application to visiting forces.

**84.**—(1) This Act shall not operate to create, towards a member of the naval, military or air forces of a country to which this section applies, a liability in tort against the Government of that country in respect of anything done or omitted by it or against another member of those forces in respect of anything done or omitted by him in the course of his duty.

(2) This section applies to India, Pakistan, Ghana, the Federation of Malaya, the Republic of Cyprus, Tanganyika and any country designated for the purposes of any provision of the Visiting Forces Act 1952 by Order in Council under section 1(2) of that Act.

(3) In the application of this section to Scotland the reference to a liability in tort shall be construed as a reference to a liability in reparation arising from any wrongful or negligent act or omission.

Exclusion of application to factories, to certain fish sale-rooms and to parts below ground of mines.

**85.**—(1) With the exception of section 25(2) of this Act, nothing in this Act shall apply to any premises which, for the purposes of the Factories Act 1961, form part of a factory.

(2) With the exception of section 75(3) of this Act, nothing in this Act shall apply to any premises which, not being office premises, are used for the sale of fish by wholesale and constitute, or are comprised in, premises to which certain provisions of the Factories Act 1961 apply by virtue of section 125(1) (docks, etc.) of that Act.

(3) Nothing in this Act shall apply to any part below ground of premises which, for the purposes of the Mines and Quarries Act 1954, are a mine.

Exclusion of application to premises occupied for transitory purposes.

**86.**—(1) It shall be a defence in any legal proceedings to recover damages and in any prosecution, in so far as the proceedings or prosecution are or is based on an allegation of a contravention, in relation to any premises, of a provision of this Act or regulations thereunder, to prove that at the time of the alleged contravention the premises were occupied for a purpose that was accomplished before the expiration of a period beginning with the day on which they were occupied for that purpose and of such of the following lengths as is applicable to the circumstances of the case, that is to say, six months if the premises consist of a movable structure, and six weeks if not.

(2) The foregoing subsection shall not apply to a prosecution for an offence consisting in a failure to comply with an obligation imposed under section 49(1) of this Act to notify the appropriate authority that persons would be employed to

work in any premises ; but in any such prosecution it shall be a defence to prove that the persons in question were employed to work in the premises while they were occupied as mentioned in the foregoing subsection.

*Provisions with respect to Northern Ireland, Isles of Scilly and Inner and Middle Temples*

**87.** The limitations on the power of the Parliament of Northern Ireland to make laws imposed by paragraphs (1), (3) and (4) of section 4(1) of the Government of Ireland Act 1920 (which specify, amongst the matters in respect of which that Parliament is not to have power to make laws, the Crown and the property of the Crown, naval, military and air forces and treaties and relations with foreign states or any part of Her Majesty's dominions) shall not be construed so as to prevent that Parliament from including, in a law made by it for purposes similar to those of this Act (or any of them), provisions corresponding to all or any of the provisions of sections 83 and 84 of this Act (other than provisions with respect to Scotland).

Powers of Parliament of Northern Ireland.

**88.** This Act shall apply to the Isles of Scilly as if those Isles were a county borough and the Council of those Isles were the council of the borough.

Application to Isles of Scilly.

**89.—(1)** For the purposes of the application of this Act to the Inner Temple and the Middle Temple the respective overseers thereof shall each be deemed to be a local authority.

Application to Inner and Middle Temples.

(2) Each of the said overseers shall, for the purpose of the enforcement of this Act within his Inn, have the like powers as are by this Act conferred on a factory inspector, and section 53(2) of this Act shall, with requisite modifications, apply accordingly.

(3) Section 52(1) of this Act shall, in its application to each of the said overseers, have effect with the omission of the requirement to appoint inspectors ; but each of the said overseers may appoint inspectors to assist him in the enforcement of this Act, and an inspector appointed under this subsection shall, for the purposes of section 53 of this Act, be treated as having been appointed under the said section 52(1).

*Interpretation*

**90.—(1)** In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say :—

Interpretation.

except in section 1(4) of this Act, “ building ” includes structure ;

- “contravention” includes, in relation to a provision of this Act or of regulations thereunder, a failure to comply with the provision, and the expression “contravene” shall be construed accordingly ;
- “employed” means employed under a contract of service or apprenticeship (whether oral or in writing, express or implied) ;
- “factory inspector” means an inspector appointed under section 145 of the Factories Act 1961 ;
- “fire certificate” means a certificate issued under section 29(3) of this Act ;
- “fish” includes molluscs and crustaceans ;
- “fuel storage premises” has the meaning assigned to it by section 1(3)(a)(v) of this Act ;
- “local authority” means, as respects England and Wales, the council of a county borough or a county district, the council of a metropolitan borough or the Common Council of the City of London and, as respects Scotland, the council of a county or the town council of a burgh ;
- “magistrates’ court” has the same meaning as in the Magistrates’ Courts Act 1952 ;
- “mine and quarry inspector” means an inspector appointed under section 144 of the Mines and Quarries Act 1954 ;
- “the Minister” means the Minister of Labour ;
- “notice” means a notice in writing ;
- “office premises” has the meaning assigned to it by section 1(2) of this Act ;
- “owner”—
- (a) as respects England and Wales, means the person for the time being receiving the rackrent of the premises, building or part of a building 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, building or part 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, building or part of a building in connection with which the word is used 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,

and “owned” and “ownership” shall be construed accordingly;

“petty sessions area” has the same meaning as in the Magistrates’ Courts Act 1952;

“place of public entertainment” means—

(a) any premises used mainly for public music and dancing in respect of which there is in force a licence granted under the Disorderly Houses Act 1751;

(b) any premises in respect of which there is in force a licence granted under the Cinematograph Acts 1909 and 1952;

(c) a place of public resort had or kept under the authority of letters patent from Her Majesty, Her heirs or successors, or predecessors, or a licence under the Theatres Act 1843, for the performance of stage plays as defined in that Act;

“police authority” has the same meaning as in the Police Pensions Act 1921;

“railway premises” has the meaning assigned to it by section 1(4) of this Act;

“railway undertakers” means any persons authorised by an enactment or a provision of an order or scheme made under or confirmed by an Act to construct, work or carry on a railway;

“shop premises” has the meaning assigned to it by section 1(3) of this Act;

“week” means the period between midnight on Saturday night and midnight on the succeeding Saturday night.

(2) References in this Act to machinery, plant, equipment or appliances shall be construed as including references to electrical fittings as defined for the purposes of the Electricity Act 1947.

(3) For the purposes of this Act—

(a) persons employed by railway undertakers to do work the general control of the doing of which is exercised at railway premises, or at office premises occupied by the undertakers for the purposes of the railway undertaking carried on by them and situate in the immediate vicinity of the permanent way, shall be deemed to be employed to work in the premises at which the general

control of the doing of their work is exercised notwithstanding that their work is in fact done elsewhere;

(b) neither railway premises nor such office premises as aforesaid shall be taken to be premises in the case of which persons are employed to work therein by reason only of the fact that persons employed by the undertakers who occupy the premises resort to the premises for the purpose only of discharging duties whose discharge is incidental to the work that they are primarily employed to do.

(4) For the purposes of this Act, any such person as follows shall be taken to be employed, namely,—

(a) a person appointed under section 6 or 7 of the Registration Service Act 1953 who exercises and performs his powers and duties in premises provided and maintained by the council within whose area his district or sub-district is situate;

(b) a person elected under section 8 of the Registration of Births, Deaths and Marriages (Scotland) Act 1854 who exercises his functions in premises provided and maintained by a local authority;

(c) a member of a police force maintained by a police authority.

(5) The definition of a class of premises, rooms or persons for the purposes of any regulations or order under this Act may be framed by reference to any circumstances whatever.

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

#### *Short Title, Commencement, Extent and Repeal*

Short title,  
commence-  
ment, extent  
and repeal.

91.—(1) This Act may be cited as the Offices, Shops and Railway Premises Act 1963.

(2) This Act shall come into operation on such day as the Minister may by order appoint, and different days may be appointed for the coming into operation of different provisions, of a particular provision in relation to premises of different classes or of a particular provision for different purposes.

(3) This Act shall not extend to Northern Ireland except in so far as it extends the powers of the Parliament of Northern Ireland.

(4) The enactments specified in columns 1 and 2 of Schedule 2 to this Act are hereby repealed to the extent respectively specified in relation thereto in column 3 of that Schedule.

## SCHEDULES

### SCHEDULE 1

Section 80.

#### PROCEDURE FOR MAKING SPECIAL REGULATIONS

1. Before the Minister makes any special regulations he shall publish in the London and Edinburgh Gazettes, 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.

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 factory inspector, a deputy chief factory inspector, 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 regulations made by the Minister and

2 R

## SCH. 1

the regulations 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 premises affected by the draft regulations or by or on behalf of the occupier or occupiers employing a majority of the persons employed to work in those premises, 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 so employed ; or
- (b) by or on behalf of the majority of the occupiers of any class of premises 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 premises of that class, or by or on behalf of the occupier or occupiers employing a majority of the persons employed to work in any such class of premises 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 so employed.

Section 91.

## SCHEDULE 2

## ENACTMENTS REPEALED

| Session and Chapter          | Short Title                                          | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                           |
|------------------------------|------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 26 Geo. 5 & 1 Edw. 8. c. 49. | The Public Health Act 1936.                          | In section 44(3), the words "to a shop to which the Shops Act, 1934, applies, or".<br>In section 45(4), the words "to a shop to which the Shops Act, 1934, applies, or".<br>Section 46(4).<br>Section 92(3).                                                                                                                                                               |
| 14 Geo. 6. c. 28             | The Shops Act 1950 ...                               | Sections 37 to 39.<br>In section 45, the words "or section thirty-seven".<br>In section 69(1), the words "and section thirty-seven".<br>In section 72, subsections (2) and (3), and in subsection (4), paragraph (b).<br>In section 74(1), the definitions of "owner", "Public Health Acts" and "sanitary authority".<br>In section 75, the last paragraph.<br>Section 18. |
| 6 & 7 Eliz. 2. c. xxi.       | The London County Council (General Powers) Act 1958. |                                                                                                                                                                                                                                                                                                                                                                            |
| 8 & 9 Eliz. 2. c. 47.        | The Offices Act 1960 ...                             | The whole Act.                                                                                                                                                                                                                                                                                                                                                             |



*Table of Statutes referred to in this Act*

| Short Title                                                             | Chapter                             |
|-------------------------------------------------------------------------|-------------------------------------|
| Disorderly Houses Act 1751 ... ..                                       | 25 Geo. 2. c. 36.                   |
| Theatres Act 1843 ... ..                                                | 6 & 7 Vict. c. 68.                  |
| Registration of Births, Deaths and Marriages (Scotland) Act 1854 ... .. | 17 & 18 Vict. c. 80.                |
| Interpretation Act 1889 ... ..                                          | 52 & 53 Vict. c. 63.                |
| Public Health (Scotland) Act 1897 ... ..                                | 60 & 61 Vict. c. 38.                |
| Forgery Act 1913 ... ..                                                 | 3 & 4 Geo. 5. c. 27.                |
| Government of Ireland Act 1920 ... ..                                   | 10 & 11 Geo. 5. c. 67.              |
| Police Pensions Act 1921 ... ..                                         | 11 & 12 Geo. 5. c. 31.              |
| Local Government Act 1933 ... ..                                        | 23 & 24 Geo. 5. c. 51.              |
| 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.       |
| Nursing Homes Registration (Scotland) 1938 ... ..                       | 1 & 2 Geo. 6. c. 73.                |
| Education Act 1944 ... ..                                               | 7 & 8 Geo. 6. c. 31.                |
| Ministry of Fuel and Power Act 1945 ... ..                              | 8 & 9 Geo. 6. c. 19.                |
| Statutory Instruments Act 1946 ... ..                                   | 9 & 10 Geo. 6. c. 36.               |
| Fire Services Act 1947 ... ..                                           | 10 & 11 Geo. 6. c. 41.              |
| Local Government (Scotland) Act 1947 ... ..                             | 10 & 11 Geo. 6. c. 43.              |
| Electricity Act 1947 ... ..                                             | 10 & 11 Geo. 6. c. 54.              |
| Criminal Justice Act 1948 ... ..                                        | 11 & 12 Geo. 6. c. 58.              |
| Criminal Justice (Scotland) Act 1949 ... ..                             | 12, 13 & 14 Geo. 6. c. 94.          |
| Magistrates' Courts Act 1952 ... ..                                     | 15 & 16 Geo. 6. & 1 Eliz. 2. c. 55. |
| Visiting Forces Act 1952 ... ..                                         | 15 & 16 Geo. 6. & 1 Eliz. 2. c. 67. |
| Registration Service Act 1953 ... ..                                    | 1 & 2 Eliz. 2. c. 37.               |
| Mines and Quarries Act 1954 ... ..                                      | 2 & 3 Eliz. 2. c. 70.               |
| Building (Scotland) Act 1959 ... ..                                     | 7 & 8 Eliz. 2. c. 24.               |
| Factories Act 1961 ... ..                                               | 9 & 10 Eliz. 2. c. 34.              |

**1963 CHAPTER 42**

An Act to provide for the fixing of days when betting facilities may be provided on licensed tracks being dog racecourses in place of betting days lost due to weather conditions or other circumstances.

[31st July 1963]

**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:—

Replacement of betting days for dog racing lost on account of weather conditions, etc.  
1963. c. 2.

1.—(1) If the occupier of any licensed track, being a dog racecourse, decides that it is or will be impracticable, due to weather conditions or to any other circumstances outside his control, for dog races for which betting facilities are provided to take place at the time advertised to the public on any of the betting days fixed for that track under paragraph 14 of Schedule 3 to the Betting, Gaming and Lotteries Act 1963 (hereinafter referred to as “the principal Act”) and notifies the licensing authority of his decision and of the reasons therefor, he may make application to the licensing authority to fix such other day (not being a Good Friday, Christmas Day or Sunday) during the year then current as may be specified in his application, in place of that betting day, as a day on which, notwithstanding anything in the principal Act, betting facilities may be provided on that track.

(2) Every such application shall be made within seven days of the expiry of the betting day in relation to which the application is made, and shall be accompanied by a certificate that no dog races for which betting facilities were provided took place at the track on that day.

(3) Where an application is duly made to the licensing authority as aforesaid the licensing authority shall (unless they are satisfied that the decision made as aforesaid was not justified by the reasons notified at the time of the application) fix the day specified in the application, or such other day (not being a Good Friday, Christmas Day or Sunday) during the year then current as they may think fit, as a day on which betting facilities may be provided on the track:

Provided that if the licensing authority propose to substitute another day for the day specified in the application they shall, before doing so, notify the occupier of the track of their intention and consider any representations which may be made by him within seven days of his being so notified.

(4) Within twenty-eight days of the making of an application under this section in respect of any track, the licensing authority to whom it is made shall either fix a day for that track under subsection (3) of this section or notify the applicant that the application is refused.

(5) Notwithstanding anything in the principal Act, every day fixed for any track under subsection (3) of this section shall be deemed, for the purposes of the principal Act and of this Act, to be a betting day (and, if the day in place of which it is fixed was a special betting day, a special betting day) fixed for that track under paragraph 14 of Schedule 3 to the principal Act.

(6) Not more than four days in any one year may be fixed under subsection (3) of this section in respect of any one track

in place of betting days on which no dog races have taken place on that track:

Provided that, in reckoning such four days, no account shall be taken of any day fixed as aforesaid on which, in the event, for the like reasons as are mentioned in subsection (1) of this section, no dog races for which betting facilities are provided take place on the track in respect of which it was fixed.

(7) In this section—

- (a) the expression “year” means a period of twelve months beginning with 1st July;
- (b) expressions used both in this section and in Schedule 3 to the principal Act have the same meanings respectively in this section as in that Schedule; and
- (c) any reference to any enactment shall be construed as a reference to that enactment as amended by or under any other enactment.

2. This Act may be cited as the Dog Racing (Betting Days) Short title. Act 1963.

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### 1963 CHAPTER 43

An Act to regulate the keeping of boarding establishments for animals; and for purposes connected therewith.

[31st July 1963]

**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) No person shall keep a boarding establishment for animals except under the authority of a licence granted in accordance with the provisions of this Act. Licensing of boarding establishments for animals.

(2) Every local authority may, on application being made to them for that purpose by a person who is not for the time being disqualified—

- (a) under this Act, from keeping a boarding establishment for animals; or
- (b) under the Pet Animals Act 1951, from keeping a pet shop; or
- (c) under the Protection of Animals (Cruelty to Dogs) Act 1933, from keeping a dog; or
- (d) under the Protection of Animals (Cruelty to Dogs) (Scotland) Act 1934, from keeping a dog; or

(e) under the Protection of Animals (Amendment) Act 1954, from having the custody of animals,

and on payment of such fee not exceeding ten shillings as may be determined by the local authority, grant a licence to that person to keep a boarding establishment for animals at such premises in their area as may be specified in the application and subject to compliance with such conditions as may be specified in the licence.

(3) In determining whether to grant a licence for the keeping of a boarding establishment for animals by any person at any premises, a local authority shall in particular (but without prejudice to their discretion to withhold a licence on other grounds) have regard to the need for securing—

- (a) that animals will at all times be kept in accommodation suitable as respects construction, size of quarters, number of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness;
- (b) that animals will be adequately supplied with suitable food, drink and bedding material, adequately exercised, and (so far as necessary) visited at suitable intervals;
- (c) that all reasonable precautions will be taken to prevent and control the spread among animals of infectious or contagious diseases, including the provision of adequate isolation facilities;
- (d) that appropriate steps will be taken for the protection of the animals in case of fire or other emergency;
- (e) that a register be kept containing a description of any animals received into the establishment, date of arrival and departure, and the name and address of the owner, such register to be available for inspection at all times by an officer of the local authority, veterinary surgeon or veterinary practitioner authorised under section 2(1) of this Act;

and shall specify such conditions in the licence, if granted by them, as appear to the local authority necessary or expedient in the particular case for securing all the objects specified in paragraphs (a) to (e) of this subsection.

(4) Any person aggrieved by the refusal of a local authority to grant such a licence, or by any condition subject to which such a licence is proposed to be granted, may appeal to a magistrates' court; and the court may on such an appeal give such directions with respect to the issue of a licence or, as the case may be, with respect to the conditions subject to which a licence is to be granted as it thinks proper.

(5) Any such licence shall (according to the applicant's requirements) relate to the year in which it is granted or to the next

following year. In the former case, the licence shall come into force at the beginning of the day on which it is granted, and in the latter case it shall come into force at the beginning of the next following year.

(6) Subject to the provisions hereinafter contained with respect to cancellation, any such licence shall remain in force until the end of the year to which it relates and shall then expire.

(7) In the event of the death of a person who is keeping a boarding establishment for animals at any premises under the authority of a licence granted under this Act, that licence shall be deemed to have been granted to his personal representatives in respect of those premises and shall, notwithstanding subsection (6) of this section (but subject to the provisions hereinafter contained with respect to cancellation), remain in force until the end of the period of three months beginning with the death and shall then expire:

Provided that the local authority by whom the licence was granted may from time to time, on the application of those representatives, extend or further extend the said period of three months if the authority are satisfied that the extension is necessary for the purpose of winding up the deceased's estate and that no other circumstances make it undesirable.

(8) Any person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence; and if any condition subject to which a licence is granted in accordance with the provisions of this Act is contravened or not complied with, the person to whom the licence was granted shall be guilty of an offence.

(9) In the application of this section to Scotland, in subsection (4) for any reference to a magistrates' court there shall be substituted a reference to the sheriff.

2.—(1) A local authority may authorise in writing any of its officers or any veterinary surgeon or veterinary practitioner to inspect (subject to compliance with such precautions as the authority may specify to prevent the spread among animals of infectious or contagious diseases) any premises in their area as respects which a licence granted in accordance with the provisions of this Act is for the time being in force, and any person authorised under this section may, on producing his authority if so required, enter any such premises at all reasonable times and inspect them and any animals found thereon or any thing therein, for the purpose of ascertaining whether an offence has been or is being committed against this Act.

Inspection of  
boarding  
establishments  
for animals.

(2) Any person who wilfully obstructs or delays any person in the exercise of his powers of entry or inspection under this section shall be guilty of an offence.

**Offences and disqualifications.**

3.—(1) Any person guilty of an offence under any provision of this Act other than the last foregoing section shall be liable on summary conviction to a fine not exceeding twenty-five pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

(2) Any person guilty of an offence under the last foregoing section shall be liable on summary conviction to a fine not exceeding twenty-five pounds.

(3) Where a person is convicted of any offence under this Act or of any offence under the Protection of Animals Act 1911 or the Protection of Animals (Scotland) Act 1912 or the Pet Animals Act 1951, the court by which he is convicted may cancel any licence held by him under this Act, and may, whether or not he is the holder of such a licence, disqualify him from keeping a boarding establishment for animals for such period as the court thinks fit.

(4) A court which has ordered the cancellation of a person's licence, or his disqualification, in pursuance of the last foregoing subsection may, if it thinks fit, suspend the operation of the order pending an appeal.

**Power of local authorities to prosecute.**

4. A local authority in England or Wales may prosecute proceedings for any offence under this Act committed in the area of the authority.

**Interpretation.**

5.—(1) References in this Act to the keeping by any person of a boarding establishment for animals shall, subject to the following provisions of this section, be construed as references to the carrying on by him at premises of any nature (including a private dwelling) of a business of providing accommodation for other people's animals:

Provided that—

- (a) a person shall not be deemed to keep a boarding establishment for animals by reason only of his providing accommodation for other people's animals in connection with a business of which the provision of such accommodation is not the main activity; and
- (b) nothing in this Act shall apply to the keeping of an animal at any premises in pursuance of a requirement imposed under, or having effect by virtue of, the Diseases of Animals Act 1950.

(2) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“ animal ” means any dog or cat;

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

“veterinary practitioner” means a person who is for the time being registered in the Supplementary Veterinary Register;

“veterinary surgeon” means a person who is for the time being registered in the Register of Veterinary Surgeons.

6. Notwithstanding anything in this Act, a person who, immediately before the date of the commencement of this Act, was keeping a boarding establishment for animals at any premises, and who is not disqualified as mentioned in section 1(2) of this Act, shall be entitled to keep such an establishment at those premises without a licence under this Act—

Transitional provision.

(a) for the period of one month beginning with that date; and

(b) if before the expiration of that period he applies for a licence under this Act in respect of those premises, until the licence is granted or finally refused or the application is withdrawn.

7.—(1) This Act may be cited as the Animal Boarding Establishments Act 1963.

Short title, repeal, extent and commencement.

(2) Section 36 of the Huddersfield Corporation Act 1956 (which provides that a person shall not, within the borough of Huddersfield, provide for gain accommodation for pet animals unless he and the premises at which the accommodation is provided are registered in accordance with that section) is hereby repealed.

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

(4) This Act shall come into operation on 1st January 1964.

*Table of Statutes referred to in this Act*

| Short Title                                                        | Session and Chapter       |
|--------------------------------------------------------------------|---------------------------|
| Protection of Animals Act 1911 ... ..                              | 1 & 2 Geo. 5. c. 27.      |
| Protection of Animals (Scotland) Act 1912 ...                      | 2 & 3 Geo. 5. c. 14.      |
| Protection of Animals (Cruelty to Dogs) Act 1933 ... ..            | 23 & 24 Geo. 5. c. 17.    |
| Protection of Animals (Cruelty to Dogs) (Scotland) Act 1934 ... .. | 24 & 25 Geo. 5. c. 25.    |
| Diseases of Animals Act 1950 ... ..                                | 14 Geo. 6. c. 36.         |
| Pet Animals Act 1951 ... ..                                        | 14 & 15 Geo. 6. c. 35.    |
| Protection of Animals (Amendment) Act 1954 ...                     | 2 & 3 Eliz. 2. c. 40.     |
| Huddersfield Corporation Act 1956 .. ..                            | 4 & 5 Eliz. 2. c. lxxiii. |

## 1963 CHAPTER 44

An Act to repeal the Wills Act 1861 and make new provision in lieu thereof; and to provide that certain testamentary instruments shall be probative for the purpose of the conveyance of heritable property in Scotland. [31st July 1963]

**W**HEREAS a Convention on the conflicts of laws relating to the form of testamentary dispositions was concluded on 5th October 1961 at the ninth session of the Hague Conference on Private International Law and was signed on behalf of the United Kingdom on 13th February 1962:

And whereas, with a view to the ratification by Her Majesty of that Convention and for other purposes, it is expedient to amend the law relating to wills:

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:—

General rule as to formal validity.

1. A will shall be treated as properly executed if its execution conformed to the internal law in force in the territory where it was executed, or in the territory where, at the time of its execution or of the testator's death, he was domiciled or had his habitual residence, or in a state of which, at either of those times, he was a national.

Additional rules.

2.—(1) Without prejudice to the preceding section, the following shall be treated as properly executed—

- (a) a will executed on board a vessel or aircraft of any description, if the execution of the will conformed to the internal law in force in the territory with which, having regard to its registration (if any) and other relevant circumstances, the vessel or aircraft may be taken to have been most closely connected;
- (b) a will so far as it disposes of immovable property, if its execution conformed to the internal law in force in the territory where the property was situated;
- (c) a will so far as it revokes a will which under this Act would be treated as properly executed or revokes a provision which under this Act would be treated as comprised in a properly executed will, if the execution of the later will conformed to any law by reference to which the revoked will or provision would be so treated;



(d) a will so far as it exercises a power of appointment, if the execution of the will conformed to the law governing the essential validity of the power.

(2) A will so far as it exercises a power of appointment shall not be treated as improperly executed by reason only that its execution was not in accordance with any formal requirements contained in the instrument creating the power.

3. Where (whether in pursuance of this Act or not) a law in force outside the United Kingdom falls to be applied in relation to a will, any requirement of that law whereby special formalities are to be observed by testators answering a particular description, or witnesses to the execution of a will are to possess certain qualifications, shall be treated, notwithstanding any rule of that law to the contrary, as a formal requirement only. Certain requirements to be treated as formal.

4. The construction of a will shall not be altered by reason of any change in the testator's domicile after the execution of the will. Construction of wills.

5.—(1) Any testamentary instrument shall, notwithstanding anything in any Act passed before this Act, be treated as probative for the purpose of the conveyance of heritable property in Scotland if— Certain testamentary instruments to be probative for conveyance of heritable property in Scotland.

(a) confirmation of executors to property disposed of in the instrument has been issued in Scotland, or

(b) probate, letters of administration or other grant of representation issued outwith Scotland in respect of property disposed of in the instrument has been certified in Scotland under section 14 of the Confirmation and Probate Act 1858 or sealed in Scotland under section 2 of the Colonial Probates Act 1892. 21 & 22 Vict. c. 56.  
55 & 56 Vict. c. 6.

(2) This section shall be without prejudice to the treating as probative for the said purpose of any instrument which would be so treated apart from this section.

6.—(1) In this Act—

“ internal law ” in relation to any territory or state means the law which would apply in a case where no question of the law in force in any other territory or state arose; Interpretation.

“ state ” means a territory or group of territories having its own law of nationality;

“ will ” includes any testamentary instrument or act, and “ testator ” shall be construed accordingly.

(2) Where under this Act the internal law in force in any territory or state is to be applied in the case of a will, but there are in force in that territory or state two or more systems of internal law relating to the formal validity of wills, the system to be applied shall be ascertained as follows—

- (a) if there is in force throughout the territory or state a rule indicating which of those systems can properly be applied in the case in question, that rule shall be followed; or
- (b) if there is no such rule, the system shall be that with which the testator was most closely connected at the relevant time, and for this purpose the relevant time is the time of the testator's death where the matter is to be determined by reference to circumstances prevailing at his death, and the time of execution of the will in any other case.

(3) In determining for the purposes of this Act whether or not the execution of a will conformed to a particular law, regard shall be had to the formal requirements of that law at the time of execution, but this shall not prevent account being taken of an alteration of law affecting wills executed at that time if the alteration enables the will to be treated as properly executed.

Short title,  
commence-  
ment, repeal  
and extent.  
24 & 25 Vict.  
c. 114.

7.—(1) This Act may be cited as the Wills Act 1963.

(2) This Act shall come into operation on 1st January 1964.

(3) The Wills Act 1861 is hereby repealed.

(4) This Act shall not apply to a will of a testator who died before the time of the commencement of this Act and shall apply to a will of a testator who dies after that time whether the will was executed before or after that time, but so that the repeal of the Wills Act 1861 shall not invalidate a will executed before that time.

10 & 11 Geo.  
5. c. 67.

(5) It is hereby declared that this Act extends to Northern Ireland, and for the purposes of section 6 of the Government of Ireland Act 1920 this Act shall be deemed to be an Act passed before the appointed day within the meaning of that section.



## 1963 CHAPTER 45

An Act to amend the law relating to matrimonial causes; to facilitate reconciliation in such causes; and for purposes connected with the matters aforesaid.

[31st July 1963]

**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. Any presumption of condonation which arises from the continuance or resumption of marital intercourse may be rebutted on the part of a husband, as well as on the part of a wife, by evidence sufficient to negative the necessary intent. Presumption as to condonation by husband.

2.—(1) For the purposes of the Matrimonial Causes Act 1950 and of the Matrimonial Proceedings (Magistrates' Courts) Act 1960, adultery or cruelty shall not be deemed to have been condoned by reason only of a continuation or resumption of cohabitation between the parties for one period not exceeding three months, or of anything done during such cohabitation, if it is proved that cohabitation was continued or resumed, as the case may be, with a view to effecting a reconciliation. Relief notwithstanding temporary cohabitation with a view to reconciliation. 14 Geo. 6. c. 25; 8 & 9 Eliz. 2. c. 48.

(2) In calculating for the purposes of section 1(1)(b) of the Matrimonial Causes Act 1950 the period for which the respondent has deserted the petitioner without cause, and in considering whether such desertion has been continuous, no account shall be taken of any one period (not exceeding three months) during which the parties resumed cohabitation with a view to a reconciliation.

3. Adultery which has been condoned shall not be capable of being revived. Adultery not to be revived.

4.—(1) Section 4 of the Matrimonial Causes Act 1950 (duty of court on presentation of petition) shall be amended as follows:— Amendment of law of collusion.

(a) paragraph (c) of subsection (2) (proof of absence of collusion), together with the word "and" immediately preceding that paragraph, shall be omitted;

(b) in the proviso to that subsection, after the words "if it finds" there shall be inserted the words "that the petition is presented or prosecuted in collusion with the respondent or either of the respondents or

(2) Nothing in this section affects the duty of the court under the said section 4 to inquire whether any collusion exists between the parties, or any duty of the parties to disclose to the court any agreement or arrangement made between them in contemplation

of or in connection with the proceedings, or any power or duty of Her Majesty's Proctor under the said Act.

(3) Provision may be made by rules of court for enabling the court, upon application made either before or after the presentation of a petition for divorce, to take into consideration for the purposes of the said section 4 as amended by this section any agreement or arrangement made or proposed to be made between the parties, and to give such directions in the matter as the court thinks fit.

Maintenance and alimony.

5.—(1) In any case in which the court has power to make an order (other than an interim order) under section 19 or section 20 of the Matrimonial Causes Act 1950 (maintenance and alimony) the court may, in lieu of, or in addition to, making such an order, make an order for the payment of a lump sum.

6 & 7 Eliz. 2. c. 35. (2) Notwithstanding anything in the said Act of 1950 or in the Matrimonial Causes (Property and Maintenance) Act 1958, rules of court may provide, in such cases as may be prescribed by the rules—

(a) that applications for ancillary relief shall be made in the petition or answer; or

(b) that applications for ancillary relief which are not made as aforesaid shall be made only with the leave of the court.

(3) Any rules of court made before the commencement of this Act shall be deemed to have been validly made if such rules could be made after that date under the last foregoing subsection; but nothing in this subsection affects any order for ancillary relief made on or after 20th December 1962 and before the commencement of this Act.

(4) In subsections (2) and (3) of this section “ ancillary relief ” means relief under section 19, section 20, section 22 and section 26 of the said Act of 1950.

Attempts to defeat claims for financial relief.

6.—(1) Where proceedings are brought for financial relief and the court is satisfied, on an application under this section by the person bringing those proceedings—

(a) that the person against whom the proceedings are brought is about to make any disposition with the intention of defeating the claim for financial relief made in the proceedings, or

(b) that that person is about to transfer any property out of the jurisdiction of the court, or otherwise to deal with any property, with that intention,

the court may make such order restraining that person from making the disposition or transferring or otherwise dealing with

the property, as the case may be, or otherwise for protecting the claim, as the court thinks fit.

(2) In this section "financial relief" means relief (otherwise than by way of an interim order) under section 19, section 20, section 22, section 23, section 24 or section 26 of the Matrimonial Causes Act 1950 or under subsection (1) of section 5 of this Act, and "disposition" and "property" have the same meanings as in the Matrimonial Causes (Property and Maintenance) Act 1958.

(3) Subsections (4) and (7) of section 2 of the said Act of 1958 (except so much of subsection (4) as refers to a disposition falling within subsection (3) of that section) shall apply to this section, and to any transaction or claim to which this section applies, as they apply to that section and to any disposition or claim to which that section applies.

(4) For the purposes of sections 2 and 5 of the said Act of 1958, "financial relief" shall include relief under subsections (1) and (3) of section 26 of the said Act of 1950 and subsection (1) of section 5 of this Act.

7.—(1) This Act may be cited as the Matrimonial Causes Act 1963. Short title,  
construction  
and extent.

(2) This Act shall be construed as one with the Matrimonial Causes Act 1950.

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

## 1963 CHAPTER 46

### *Local Government (Financial Provisions) Act 1963*

#### ARRANGEMENT OF SECTIONS

##### Section

1. Extension of local authority powers to pay expenses incurred in attending conferences and meetings.
2. Removal of limitation on class of bodies to whose expenses local authorities may contribute.
3. Extension of powers of local authorities to pay subscriptions.
4. Power of local authority to pay expenses incurred by committee members in official and courtesy visits, &c.
5. Payment of expenses of local authority officers.
6. Power of local authority to incur expenditure in the interests of their area or its inhabitants but not otherwise authorised.
7. Power of local authority to borrow by means of bonds.
8. Power to suspend annual provision for repayment of, and to borrow for payment of interest on, certain borrowed moneys.
9. Cesser of prohibition of use of capital or renewal and repairs funds for purposes of functions relating to education.

## Section

10. Application of unexpended portions of borrowed moneys.
11. Amendment of provisions of section 151 of Act of 1933 relating to disposal of capital money received in respect of adjustments thereunder.
12. Power to amend local Acts.
13. Expenses.
14. Application to Isles of Scilly.
15. Interpretation.
16. Repeals.
17. Short title and extent.

## SCHEDULES:

- Schedule 1—Local authority bonds.  
Schedule 2—Enactments repealed.

An Act to extend the powers of local authorities to defray expenses incurred by their members and officers, or by other members of their committees or sub-committees, and to contribute or subscribe to other local authorities and to bodies having activities connected with local government; to authorise certain expenditure by local authorities for the benefit of their areas or inhabitants but not otherwise authorised; to make further provision with respect to borrowing by local authorities, the management of local authority debt, the application by local authorities of capital funds, renewal and repair funds, unexpended balances of loans and capital money received by way of financial adjustment; and for purposes connected with the matters aforesaid.

[31st July 1963]

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

Extension of local authority powers to pay expenses incurred in attending conferences and meetings.

1.—(1) Section 267 of the Act of 1933 and section 161 of the Act of 1939 (by which a local authority are enabled to pay expenses incurred by members of the authority or a committee thereof in attending a conference or meeting convened by one or more local authorities or an association of local authorities for the discussion of matters connected with the discharge of the functions of the authority) shall have effect as if the references to a conference or meeting included references to—

- (a) a conference or meeting convened by any person or body (other than a person or body convening it in the course of his or their trade or business or a body of

which the objects are wholly or partly political) for the purpose of discussing matters relating to the discharge of the functions of the local authority or to the development of trade, industry or commerce in the area of the local authority ;

- (b) a conference or meeting convened by any government department or local authority, or by any other body exercising functions conferred by or under any enactment or Royal Charter, being a conference or meeting convened for the purpose of discussing any matter affecting the area of the local authority or its inhabitants.

(2) In the foregoing subsection "the local authority" means the local authority whose powers under the said section 267 or 161 are in question.

(3) For the purposes of the said sections 267 and 161 a loss of earnings necessarily suffered by a member of a local authority or a committee of a local authority for the purpose of enabling him to attend a conference or meeting, being earnings which he would otherwise have made, shall be treated as an expense incurred by him in attending that conference or meeting.

(4) Section 114 of the Act of 1948 (which determines the bodies by whom allowances payable under Part VI of that Act are to be paid, and provides, among other things, that a power of such a body, otherwise than under the said Part VI, to defray expenses, other than expenses on account of travelling, incurred by a person in respect of which he is entitled to an allowance under that Part, shall not be so exercised as to defray those expenses otherwise than in accordance with the provisions of that Part) shall be amended by the omission of subsection (2) and of the words "(other than expenses on account of travelling)" in subsection (3); and the said subsection (3) shall have effect as if any reference therein to expenses incurred included a reference to any loss of earnings suffered which, by virtue of the last foregoing subsection, is to be treated as an expense incurred and, in relation to the powers to defray expenses conferred by subsection (1) of this section, as if any such conference or meeting as aforesaid were included in paragraph (c) of the definition of "approved duty" in section 115 of the Act of 1948.

2. In section 136 of the Act of 1948 (which provides that a local authority in England or Wales may, with the consent of the Minister given either generally or specially, contribute towards the expenses of any body carrying on activities within the area of that authority, being activities for the purpose of furthering the development of trade, industry or commerce

Removal of limitation on class of bodies to whose expenses local authorities may contribute.

therein, or of giving advice, information or other assistance to persons resident therein, or otherwise for the benefit of that area or those persons) the words "activities within the area of that authority, being" shall cease to have effect and for the word "therein", where it first occurs, there shall be substituted the words "within the area of that authority".

Extension of powers of local authorities to pay subscriptions.

3. Paragraph (b) of section 129 of the Act of 1948 (by which a local authority may pay reasonable subscriptions to such associations of officers of local authorities as may be approved by the Minister) shall be amended by the insertion after the word "officers", of the words "or members".

Power of local authority to pay expenses incurred by committee members in official and courtesy visits, &c.

4. For the purposes of section 1 of the Local Authorities (Expenses) Act 1956 (payment by council of county, county borough, metropolitan borough or county district of expenses of official and courtesy visits) a member of a committee or sub-committee of such a council as aforesaid shall be deemed to be a member of the council.

Payment of expenses of local authority officers.

5. Nothing in any enactment, including an enactment contained in this Act, providing for the payment by a local authority of expenses of their members shall be taken to limit the power of the local authority to defray expenses properly incurred by an officer of the authority as such.

Power of local authority to incur expenditure in the interests of their area or its inhabitants but not otherwise authorised.

6.—(1) A local authority may, subject to the provisions of this section, incur expenditure for any purpose which in their opinion is in the interests of their area or its inhabitants, but shall not, by virtue of this subsection, incur any expenditure for a purpose for which they are, either unconditionally or subject to any limitation or to the satisfaction of any condition, authorised or required by or by virtue of any enactment other than this section to make any payment.

(2) Expenditure of a local authority under this section in any financial year shall not exceed, in the case of a local authority other than a parish council, the product of a rate of one penny in the pound for their area for that year, or, in the case of a parish council, that of a rate of one fifth of a penny in the pound for their area for that year.

(3) No expenditure shall be incurred under this section by a local authority in respect of any matter except in pursuance of a resolution of the authority authorising the incurring of the expenditure in respect of that matter.

(4) The accounts of a local authority by whom expenditure is incurred under this section shall include a separate account of that expenditure, and section 283(4), (6) and (7) of the Act of 1933 and section 173(5), (6) and (7) of the Act of 1939 (which provide for the inspection by a local government elector of the abstract of accounts of the local authority and the making



of copies thereof or extracts therefrom, and penalise failure to provide facilities for such inspection, or making of copies or extracts) shall have effect as if any reference to the abstract of the accounts of the local authority included a reference to any such separate account as aforesaid.

(5) The reference in this section to the product of a rate of a penny in the pound for an area shall, where there is more than one rating area within the area, be construed as a reference to the aggregate of the product of a rate of that amount for all the rating areas within the area.

(6) The product of a rate of one penny in the pound for a rating area, shall, for the purposes of this section, be taken to be the product of a rate of that amount for that area ascertained, in the case of an area other than a county borough, in accordance with rules made for the purposes of section 9(2) of the Rating and Valuation Act 1925, or, in the case of a county borough, in accordance with rules made by the Minister for the purposes of Part I of the Local Government Act 1958 ; and the product of a rate of one fifth of a penny in the pound for a parish shall be taken to be the product of a rate of that amount for the parish ascertained in accordance with rules made for the purposes of the said section 9(2).

(7) In this section—

“ financial year ” has the same meaning as in the Act of 1933 ;

“ local authority ” means the council of a county, the council of a county borough or county district, the council of a metropolitan borough, and the council of a rural parish.

7.—(1) The means by which a local authority who are authorised to borrow money may raise that money shall, without prejudice to the exercise of any power to raise the money by any other means, include the issue of bonds (hereafter in this Act referred to as “ local authority bonds ”) in accordance with the provisions of this Act. Power of local authority to borrow by means of bonds.

(2) The provisions set out in Schedule 1 to this Act shall have effect with respect to local authority bonds.

(3) In this section and the said Schedule 1, except in the expression “ local authority bonds ”, any reference to a local authority shall be construed as referring to a local authority within the meaning of the Act of 1933, other than a parish council, and to the council of a metropolitan borough.

(4) In any enactment passed before this Act, a reference to Part IX or section 196 of the Act of 1933 or to Part VII or section 125 of the Act of 1939 shall be construed as including a reference to the foregoing provisions of this section.

Power to suspend annual provision for repayment of, and to borrow for payment of interest on, certain borrowed moneys.

8.—(1) Where a sum is borrowed after the commencement of this Act by a local authority for any of the following purposes, that is to say,—

- (a) meeting expenditure on the construction of new, or the extension or alteration of existing, works forming or to form part of an undertaking of a revenue-producing character ;
- (b) carrying out on land any other operations, being operations of such kind as may be prescribed or operations specified in relation to that land by direction of the Minister ;
- (c) acquiring land for the purpose of the construction thereon of new, or the extension or alteration of existing, works forming or to form part of an undertaking of a revenue-producing character, or for the purpose of the carrying out thereon of operations of a kind prescribed by virtue of the last foregoing paragraph, or operations specified in relation to that land by direction of the Minister ;

it shall be lawful for the authority in respect of such one period as they may determine, not being longer than five years nor beginning five years or less before the expiration of the fixed period relevant to the sum borrowed, to do either or both of the following things, namely,—

- (i) to suspend, in whole or in part, any annual provision required to be made during the first-mentioned period for the repayment of the sum borrowed ;
- (ii) to borrow money for the payment of all or any of the interest due in respect of the first-mentioned period on the sum borrowed.

(2) Where—

- (a) land is acquired after the commencement of this Act by a local authority ; and
- (b) a sum is borrowed by the authority for the purpose of the acquisition ; and
- (c) the acquisition is not for the purpose of the construction on the land of new, or the extension or alteration of existing, works forming or to form part of an undertaking of a revenue-producing character, or for the purpose of carrying out on the land operations of a kind prescribed by virtue of subsection (1)(b) above or operations specified in relation to the land by direction of the Minister ; and
- (d) the land is subsequently appropriated for a purpose mentioned in the last foregoing paragraph ;

it shall be lawful for the authority in respect of such one period as they may determine, not being longer than five years nor

beginning five years or less before the expiration of the fixed period relevant to the sum borrowed, to do either or both of the following things, namely,—

- (i) to suspend, in whole or in part, any annual provision required to be made during the first-mentioned period for the repayment of the sum borrowed ;
- (ii) to borrow money for the payment of all or any of the interest due in respect of the first-mentioned period on the sum borrowed.

(3) Where land has, before the commencement of this Act, been acquired by a local authority, and a sum was borrowed by the authority for the purpose of the acquisition, and either—

- (a) the land was acquired for a purpose mentioned in subsection (2)(c) above, or (not having been so acquired) was, before the commencement of this Act, appropriated for such a purpose, but the construction, extension or alteration of the works or the carrying out of the operations that constitutes the purpose for which the land was acquired or appropriated is not begun till after that commencement, or was begun but not completed before that commencement ; or

- (b) the land is, after that commencement, appropriated for a purpose mentioned in the said subsection (2)(c) ;

it shall be lawful for the authority, in respect of such one period as they may determine, not being longer than five years nor beginning five years or less before the expiration of the fixed period relevant to the sum borrowed, to do either or both of the following things, namely,—

- (i) to suspend, in whole or in part, any annual provision required to be made during the first-mentioned period for the repayment of the sum borrowed ;
- (ii) to borrow money for the payment of all or any of the interest due in respect of the first-mentioned period on the sum borrowed.

(4) A sum borrowed by virtue of paragraph (ii) of subsection (1), (2) or (3) above for the payment of interest on a sum borrowed must be repaid within the fixed period relevant to the last-mentioned sum.

(5) In any enactment, other than section 212 of the Act of 1933, passed before this Act, a reference to Part IX or section 198 of the Act of 1933 shall be construed as including a reference to the foregoing provisions of this section, and in any enactment so passed, other than section 135 of the Act of 1939, a reference to Part VII or section 134 of the Act of 1939 shall be similarly construed.

(6) In section 212(2) of the Act of 1933 (which provides that, subject to the provisions of section 198(2) of that Act, the

first of the instalments of principal or of principal and interest combined by means of which a sum borrowed by a local authority is to be paid off, or the first payment to a sinking fund by means of which a sum so borrowed is to be paid off, shall be made within twelve months, or where the sum is repayable by half-yearly instalments, six months from the date of borrowing) the reference to the said section 198(2) shall be construed as including a reference to this section and in section 135(2) of the Act of 1939 (which makes, in relation to the repayment of money borrowed under that Act by the council of a metropolitan borough, provision similar to that made by the said section 212(2)) the reference to section 134(2) of that Act (which corresponds to section 198(2) of the Act of 1933) shall be similarly construed.

(7) In this section—

“fixed period” has the same meaning as in Part IX of the Act of 1933 ;

“local authority” means a local authority within the meaning of the Act of 1933 and the council of a metropolitan borough ;

“prescribed” means prescribed by the Minister by regulations made by statutory instrument ;

“undertaking” has the same meaning as in the Act of 1933.

(8) Subsection (1) of this section shall, to the following extent, have effect in place of the following enactments, namely,—

(a) as regards sums borrowed after the commencement of this Act by authorities to whom section 198(2) of the Act of 1933 applies, being sums borrowed for the purpose of meeting such expenditure as is mentioned in that subsection, in place of the said section 198(2); and

(b) as regards sums borrowed after that commencement by the council of a metropolitan borough, being sums borrowed for the purpose of meeting such expenditure as is mentioned in section 134(2) of the Act of 1939, in place of the said section 134(2),

and accordingly the said section 198(2), as originally enacted and as applied by or by virtue of any other enactment, and the said section 134(2) shall cease to have effect except as respects sums borrowed before that commencement.

9. In section 1(2) of the Local Government (Miscellaneous Provisions) Act 1953 (which prohibits the use of a capital fund established under that section by a local authority or a renewal and repairs fund so established for meeting expenditure incurred by the authority for the purposes of an undertaking of the authority of a kind therein specified or incurred for the purposes

Cesser of prohibition of use of capital or renewal and repairs funds for purposes of functions relating to education.

of any functions of the authority as a local education authority), the words "or incurred for the purposes of any functions of the authority as a local education authority" shall cease to have effect.

10.—(1) The balance of any money borrowed (whether before or after the commencement of this Act) by a local authority and not required for the purposes for which the money was borrowed (other than a balance to the application of which consent has been given under section 202 of the Act of 1933 or section 143 of the Act of 1939 before that commencement) may be applied,—

Application of unexpended portions of borrowed moneys.

(a) at the discretion of the authority, to either or both of the following purposes, namely,—

(i) in or towards the repayment of a sum borrowed by the authority in pursuance of the sanction of a Minister or the authority of a local enactment ;

(ii) for a purpose for which the authority have obtained the sanction of a Minister, or have been authorised by a local enactment, to borrow money ;  
or

(b) with the consent of the Minister, to any other purpose to which capital money may be applied.

(2) Where a sum is, by virtue of the foregoing subsection, applied for such a purpose as is mentioned in paragraph (a)(i) thereof, it shall thenceforward be treated as if, on the day when it was so applied, it had been duly borrowed for the purpose for which the sum repaid was borrowed, and in pursuance of the sanction or authority in question, and where a sum is, by virtue of the foregoing subsection, applied for such a purpose as is mentioned in paragraph (a)(ii) thereof, it shall thenceforward be treated as if, on the day on which it was so applied, it had been duly borrowed for that purpose in pursuance of the sanction or authority in question.

(3) Where money borrowed by a local authority of which a balance is applied by virtue of this section was borrowed for the purposes of a function of theirs other than that to which the balance is applied, there shall—

(a) if either function is a grant-aided one, be made in the accounts of the authority such adjustment as the Minister may direct ; and

(b) if not, be made in those accounts such adjustment as may be requisite in the circumstances.

(4) In the foregoing provisions of this section—

(a) "function" means a power or a duty ;

- (b) “grant-aided function”, in relation to a local authority, means a function in respect of which a grant or contribution (other than a grant under the Local Government Act 1958 or an Exchequer subsidy under the Housing (Financial Provisions) Act 1958, or the Housing Act 1961) is payable to that authority by a government department out of moneys provided by Parliament;
- (c) “local authority” means a local authority within the meaning of the Act of 1933 and the council of a metropolitan borough.

(5) In any enactment passed before this Act, a reference to Part IX or section 202 of the Act of 1933 or to Part VII or section 143 of the Act of 1939 shall be construed as including a reference to the foregoing provisions of this section.

(6) The following enactments shall cease to have effect to the following extent, namely,—

- (a) section 202 of the Act of 1933, except in relation to balances of moneys borrowed by authorities to whom that section applies, being balances to the application of which consent has been given before the commencement of this Act;
- (b) section 143 of the Act of 1939, except in relation to balances of moneys borrowed by the councils of metropolitan boroughs, being balances to the application of which consent has been given as aforesaid,

and in this subsection the reference to the said section 202 is to that section as originally enacted and as applied by or by virtue of any other enactment.

Amendment of provisions of section 151 of Act of 1933 relating to disposal of capital money received in respect of adjustments thereunder.

**11.** In relation to capital money received by a public body after the commencement of this Act in respect of an adjustment (whether before or after that commencement) under section 151 of the Act of 1933 (which provides for financial adjustments consequent upon an alteration of areas or authorities made by an order under Part VI of that Act), that section as originally enacted and as applied by any other enactment shall have effect with the substitution, for subsection (6) thereof (which relates to the disposal of such money), of the following subsections:—

“(6) Capital money received by a local authority, other than a parish council, in respect of an adjustment under this section shall be applied either—

- (a) subject to the provisions of this section, at the discretion of the local authority in one or more of the following ways, namely,—

- (i) for a purpose of a service whose cost is borne by the housing revenue account

or by, as the case may be, the county fund or general rate fund, being a purpose for which the authority have obtained the sanction of a Minister, or have been authorised by a local enactment, to borrow money on terms providing for repayment within a period of not less than fifteen years ;

- (ii) in or towards the repayment of a debt incurred by the authority for a purpose of any such service as aforesaid, being a debt repayable within a period of which, at the date of the application of the money, not less than fifteen years remain unexpired ;
  - (iii) in making, in each of not less than fifteen consecutive financial years, payments each of equal amount into the county fund or, as the case may be, the general rate fund ;
  - (iv) in making a payment into a capital fund established by them under section 1 of the Local Government (Miscellaneous Provisions) Act 1953 ; or
- (b) with the approval of the Minister, in or towards the repayment of a debt incurred by the authority (other than such a debt as is mentioned in sub-paragraph (a)(ii) above) or otherwise for a purpose for which, apart from this subsection, capital money may be applied ;

and capital money received by any other public body in respect of an adjustment under this section shall be applied in such manner as the Minister may approve towards the discharge of any debt of the body or otherwise for a purpose for which capital money may be applied.

(7) Capital money shall not be applied by a local authority under the last foregoing subsection—

- (a) in pursuance of sub-paragraph (a)(i) thereof, for a purpose of an undertaking of the authority, being a transport, water, district heating, harbour, dock, pier or ferry undertaking, or a market or civic restaurant ; or
- (b) in pursuance of sub-paragraph (a)(ii) thereof, in or towards repayment of a debt incurred for any such purpose as is mentioned in the last foregoing paragraph ; or

(c) in pursuance of sub-paragraph (a)(iv) thereof, so as to make the fund mentioned in that sub-paragraph exceed such sum as the Minister may from time to time determine, either generally or in any particular case.”

Power to  
amend local  
Acts.

12.—(1) The Minister may, subject to the provisions of this section, by order repeal or amend any provision in any local Act passed before this Act or in any Act passed before this Act and confirming a provisional order, where it appears to him that the provision is inconsistent with, or has become unnecessary in consequence of, any provision of this Act.

(2) The Minister shall not make an order under this section repealing or amending any provision in a local Act the Bill for which was promoted by a local authority, or by any body whose functions under the local Act have become exercisable by a local authority, except on the application of that authority.

(3) Before making an order under this section the Minister shall consult with any local authority who appear to him to be concerned, not being an authority by whom an application for the making of the order was made.

(4) An order 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.

(5) Any reference in this section to a local authority shall be construed as referring to a local authority within the meaning of the Act of 1933, other than a parish council, and to the council of a metropolitan borough.

Expenses.

13. 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.

Application to  
Isles of Scilly.

14.—(1) The Minister may, after consultation with the Council of the Isles of Scilly, by order made by statutory instrument provide for the application of this Act (except sections 4 and 9 thereof) to the Isles of Scilly; and any such order may provide for the application of this Act (except as aforesaid) to those Isles subject to such modifications, or to the exception of such provisions thereof, as may be specified in the order.



(2) The exercise of the power conferred by this section shall be without prejudice to the powers of the Minister under section 292 of the Act of 1933.

15.—(1) In this Act —

Interpretation.

“ the Act of 1933 ” means the Local Government Act 1933 ;

“ the Act of 1939 ” means the London Government Act 1939 ;

“ the Act of 1948 ” means the Local Government Act 1948 ;

“ the Minister ” means the Minister of Housing and Local Government.

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

16. The enactments specified in columns 1 and 2 of Schedule 2 to this Act are hereby repealed to the extent specified in column 3 of that Schedule. Repeals.

17.—(1) This Act may be cited as the Local Government (Financial Provisions) Act 1963. Short title and extent.

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

## SCHEDULES

Section 7.

### SCHEDULE 1

#### LOCAL AUTHORITY BONDS

1.—Local authority bonds issued by a local authority shall, subject to the next following paragraph,—

(a) bear interest at such rate as the local authority may determine at the time of the issue of the bonds ;

(b) be issued in denominations of five pounds and multiples of five pounds ;

(c) be issued for periods of not less than one year.

2. The period for which any local authority bonds are issued by a local authority may be extended for such further period as the local authority and the persons entitled to repayment of the money raised by the issue of those bonds agree and during that further period shall bear interest at such rate as may be so agreed.

## SCH. 1

3. The provisions of section 115 of the Stamp Act 1891 (which relates to composition for stamp duty) shall, with the necessary modifications, apply in the case of any local authority by whom local authority bonds are issued as if those bonds were stock or funded debt of the authority within the meaning of that section.

4. Local authority bonds may be issued by a local authority at such price as the authority may from time to time determine, but not, without the consent of the Minister, at a discount.

5.—(1) Local authority bonds shall, without prejudice to the foregoing provisions of this Schedule, be issued, transferred, dealt with and 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 local authority bonds, apply (with or without modifications) any provisions of any enactments relating to stock or debentures issued by or mortgages created by a local authority.

(2) The power to make regulations under the foregoing subparagraph 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.

## Section 16.

## SCHEDULE 2

## ENACTMENTS REPEALED

| Session and Chapter    | Short Title                                                    | Extent of Repeal                                                                                                                                                                                       |
|------------------------|----------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 53 & 54 Vict. c. 3.    | The County Councils Association Expenses Act 1890.             | The whole Act.                                                                                                                                                                                         |
| 23 & 24 Geo. 5. c. 51. | The Local Government Act 1933.                                 | In section 267, the words "or officers" in both places where they occur.                                                                                                                               |
| 2 & 3 Geo. 6. c. 40.   | The London Government Act 1939.                                | In section 161, the words "or officers", in both places where they occur.                                                                                                                              |
| 10 & 11 Geo. 6. c. 13. | The County Councils Association Expenses (Amendment) Act 1947. | The whole Act.                                                                                                                                                                                         |
| 11 & 12 Geo. 6. c. 26. | The Local Government Act 1948.                                 | In section 114, subsection (2) and, in subsection (3), the words "(other than expenses on account of travelling)".<br>In section 136, the words "activities within the area of that authority, being". |
| 1 & 2 Eliz. 2. c. 26.  | The Local Government (Miscellaneous Provisions) Act 1953.      | In section 1(2), the words from "or incurred" onwards.                                                                                                                                                 |
| 4 & 5 Eliz. 2. c. 36.  | The Local Authorities (Expenses) Act 1956.                     | In section 1(1)(a), the words "or officers".                                                                                                                                                           |

*Table of Statutes referred to in this Act*

| Short Title                                                 | Chapter                |
|-------------------------------------------------------------|------------------------|
| Rating and Valuation Act 1925 ... ..                        | 15 & 16 Geo. 5. c. 90. |
| Local Government Act 1933... ..                             | 23 & 24 Geo. 5. c. 51. |
| London Government Act 1939 ... ..                           | 2 & 3 Geo. 6. c. 40.   |
| Local Government Act 1948... ..                             | 11 & 12 Geo. 6. c. 26. |
| Local Government (Miscellaneous Provisions) Act 1953 ... .. | 1 & 2 Eliz. 2. c. 36.  |
| Local Authorities (Expenses) Act 1956 ... ..                | 4 & 5 Eliz. 2. c. 36.  |
| Housing (Financial Provisions) Act 1958 ... ..              | 6 & 7 Eliz. 2. c. 42.  |
| Local Government Act 1958 ... ..                            | 6 & 7 Eliz. 2. c. 55.  |
| Housing Act 1961 ... ..                                     | 9 & 10 Eliz. 2. c. 65. |

**1963 CHAPTER 47**

*Limitation Act 1963*

**ARRANGEMENT OF SECTIONS**

**PART I**

**AMENDMENT OF LAW OF ENGLAND AND WALES**

Section

1. Extension of time-limit for certain actions.
2. Application for leave of court.
3. Application of ss. 1 and 2 to actions after death of injured person.
4. Time-limit for claiming contribution between tortfeasors.
5. Supplementary provisions.
6. Transitional provisions.
7. Interpretation of Part I.

**PART II**

**AMENDMENT OF LAW OF SCOTLAND**

8. Extension of time-limit for certain actions.
9. Actions in respect of death of injured person.
10. Time-limit for claiming contribution between wrongdoers.
11. Amendment of s. 1(1) of Limitation (Enemies and War Prisoners) Act 1945.
12. Transitional provisions.
13. Supplementary provisions relating to, and interpretation of, Part II.

**PART III**

**SUPPLEMENTARY**

14. Provisions as to Northern Ireland.
15. Construction of references to enactments.
16. Short title and extent.

An Act to extend in certain cases the time-limit for bringing legal proceedings where damages are claimed which consist of or include damages or solatium in respect of personal injuries (including any disease or impairment of a person's physical or mental condition) or in respect of a person's death; to limit the time within which proceedings for contribution may be brought under section 6 of the Law Reform (Married Women and Tortfeasors) Act 1935 or section 3 (2) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1940; to make further provision as to the application of the Limitation (Enemies and War Prisoners) Act 1945 to Northern Ireland; and for purposes connected with the matters aforesaid. [31st July 1963]

**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

##### AMENDMENT OF LAW OF ENGLAND AND WALES

Extension of time-limit for certain actions.

1.—(1) Section 2 (1) of the Limitation Act 1939 (which, in the case of certain actions, imposes a time-limit of three years for bringing the action) shall not afford any defence to an action to which this section applies, in so far as the action relates to any cause of action in respect of which—

- (a) the court has, whether before or after the commencement of the action, granted leave for the purposes of this section, and
- (b) the requirements of subsection (3) of this section are fulfilled.

(2) This section applies to any action for damages for negligence, nuisance or breach of duty (whether the duty exists by virtue of a contract or of provision made by or under a statute or independently of any contract or any such provision) where the damages claimed by the plaintiff for the negligence, nuisance or breach of duty consist of or include damages in respect of personal injuries to the plaintiff or any other person.

(3) The requirements of this subsection are fulfilled in relation to a cause of action if it is proved that the material facts relating to that cause of action were or included facts of a decisive character which were at all times outside the knowledge (actual or constructive) of the plaintiff until a date which—

- (a) either was after the end of the three-year period relating to that cause of action or was not earlier than twelve months before the end of that period, and

(b) in either case, was a date not earlier than twelve months before the date on which the action was brought.

(4) Nothing in this section shall be construed as excluding or otherwise affecting—

- (a) any defence which, in any action to which this section applies, may be available by virtue of any enactment other than section 2 (1) of the Limitation Act 1939 (whether it is an enactment imposing a period of limitation or not) or by virtue of any rule of law or equity, or
- (b) the operation of any enactment or rule of law or equity which, apart from this section, would enable such an action to be brought after the end of the period of three years from the date on which the cause of action accrued.

2.—(1) Any application for the leave of the court for the purposes of the preceding section shall be made *ex parte*, except in so far as rules of court may otherwise provide in relation to applications which are made after the commencement of a relevant action. Application for leave of court.

(2) Where such an application is made before the commencement of any relevant action, the court shall grant leave in respect of any cause of action to which the application relates if, but only if, on evidence adduced by or on behalf of the plaintiff, it appears to the court that, if such an action were brought forthwith and the like evidence were adduced in that action, that evidence would, in the absence of any evidence to the contrary, be sufficient—

- (a) to establish that cause of action, apart from any defence under section 2 (1) of the Limitation Act 1939, and
- (b) to fulfil the requirements of subsection (3) of the preceding section in relation to that cause of action.

(3) Where such an application is made after the commencement of a relevant action, the court shall grant leave in respect of any cause of action to which the application relates if, but only if, on evidence adduced by or on behalf of the plaintiff, it appears to the court that, if the like evidence were adduced in that action, that evidence would, in the absence of any evidence to the contrary, be sufficient—

- (a) to establish that cause of action, apart from any defence under section 2 (1) of the Limitation Act 1939, and
- (b) to fulfil the requirements of subsection (3) of the preceding section in relation to that cause of action,

and it also appears to the court that, until after the commencement of that action, it was outside the knowledge (actual or constructive) of the plaintiff that the matters constituting that

## PART I

cause of action had occurred on such a date as (apart from the preceding section) to afford a defence under section 2 (1) of the Limitation Act 1939.

(4) No appeal shall lie from any decision of the Court of Appeal on an appeal against a decision on an application under this section.

(5) In this section "relevant action", in relation to an application for the leave of the court, means any action in connection with which the leave sought by the application is required.

Application of ss. 1 and 2 to actions after death of injured person.

3.—(1) In relation to any action to which section 1 of this Act applies, being an action in respect of one or more causes of action surviving for the benefit of the estate of a deceased person by virtue of section 1 of the Law Reform (Miscellaneous Provisions) Act 1934, subsections (1), (3) and (4) of section 1 of this Act and the last preceding section shall have effect subject to the provisions of subsections (4) and (5) of this section.

(2) Subsections (1), (3) and (4) of section 1 of this Act and the last preceding section shall have effect, subject to the provisions of subsections (4) to (6) of this section, in relation to an action brought by virtue of the Fatal Accidents Acts for damages in respect of a person's death, as they have effect in relation to an action to which section 1 of this Act applies.

(3) In the following provisions of this section, and in sections 1 and 2 of this Act as modified by those provisions, "the deceased" means the person referred to in subsection (1) or subsection (2) of this section, as the case may be.

(4) Section 1 (1) of this Act shall not have effect in relation to any action falling within subsection (1) or subsection (2) of this section unless the action is brought before the end of the period of twelve months from the date on which the deceased died.

(5) For the purposes of the application of subsection (3) of section 1 of this Act to an action falling within subsection (1) or subsection (2) of this section,—

- (a) any reference in the said subsection (3) to the plaintiff shall be construed as a reference to the deceased, and
- (b) the requirements of that subsection shall be taken to be fulfilled in relation to a cause of action if either the matters specified in that subsection (as modified by the preceding paragraph) are proved or it is proved that the material facts relating to that cause of action were or included facts of a decisive character which at all times until his death were outside the knowledge (actual or constructive) of the deceased ;

and any reference in this Part of this Act to the requirements of the said subsection (3) shall, in relation to an action falling

within subsection (1) or subsection (2) of this section, be construed as a reference to the requirements of the said subsection (3) as modified by this subsection.

(6) In the application of this Part of this Act to an action brought by virtue of the Fatal Accidents Acts,—

- (a) any reference to a cause of action to which an action relates shall be construed as a reference to a cause of action in respect of which it is claimed that the deceased could (but for his death) have maintained an action and recovered damages, and
- (b) any reference to establishing a cause of action shall be construed as a reference to establishing that the deceased could (but for his death) have maintained an action and recovered damages in respect thereof.

4.—(1) Where under section 6 of the Law Reform (Married Women and Tortfeasors) Act 1935 a tortfeasor (in this section referred to as “the first tortfeasor”) becomes entitled after the passing of this Act to a right to recover contribution in respect of any damage from another tortfeasor, no action to recover contribution by virtue of that right shall (subject to subsection (3) of this section) be brought after the end of the period of two years from the date on which that right accrued to the first tortfeasor.

Time-limit for claiming contribution between tortfeasors.

(2) For the purposes of this section the date on which a right to recover contribution in respect of any damage accrues to a tortfeasor (in this subsection referred to as “the relevant date”) shall be ascertained as follows, that is to say—

- (a) if the tortfeasor is held liable in respect of that damage by a judgment given in any civil proceedings, or an award made on any arbitration, the relevant date shall be the date on which the judgment is given, or the date of the award, as the case may be ;
- (b) if, in any case not falling within the preceding paragraph, the tortfeasor admits liability in favour of one or more persons in respect of that damage, the relevant date shall be the earliest date on which the amount to be paid by him in discharge of that liability is agreed by or on behalf of the tortfeasor and that person, or each of those persons, as the case may be ;

and for the purposes of this subsection no account shall be taken of any judgment or award given or made on appeal in so far as it varies the amount of damages awarded against the tortfeasor.

(3) Sections 22(1) and 26 of the Limitation Act 1939 (which make provision for cases of disability, fraud and mistake) shall

**PART I**

each have effect as if any reference therein to that Act included a reference to subsection (1) of this section, and section 2(1) of the Limitation (Enemies and War Prisoners) Act 1945 shall be amended by adding at the end of the definition of "statute of limitation" the words "subsection (1) of section four of the Limitation Act 1963":

Provided that the said section 22(1) shall not apply to any action by virtue of this subsection unless the plaintiff proves that the person under the disability was not, at the time when the right to recover contribution accrued to him, in the custody of a parent, and, where it so applies, shall have effect as if for the words "six years" there were substituted the words "two years".

(4) In relation to torts falling within Article 29 in Schedule 1 to the Carriage by Air Act 1961, the preceding subsections shall have effect in substitution for the limitation imposed by subsection (2) of section 5 of that Act; and accordingly in that subsection the words from "but no action" onwards are hereby repealed:

Provided that this subsection shall not affect any action for a contribution where before the passing of this Act judgment has been obtained against the person seeking to obtain the contribution.

(5) In this section references to an action, to section 22(1) or section 26 of the Limitation Act 1939, and to subsection (2) of section 5 of the Carriage by Air Act 1961, shall be construed as including references respectively to an arbitration, to the said section 22(1) or, as the case may be, section 26 as applied to arbitrations by section 27(1) of the Limitation Act 1939, and to subsection (2) as extended by subsection (3) of section 5 of the Carriage by Air Act 1961; and subsections (3) to (7) of section 27 of the Limitation Act 1939 (which relate to the application of that Act to arbitrations) shall apply for the purposes of this section.

**Supplementary provisions.**

5. Section 28 of the Limitation Act 1939 (which relates to claims by way of set-off or counterclaim) and section 30 of that Act (which relates to proceedings by or against the Crown) shall apply for the purposes of this Part of this Act as they apply for the purposes of that Act.

**Transitional provisions.**

6.—(1) Subject to the following provisions of this section, the provisions of this Part of this Act (other than section 4 thereof) shall have effect in relation to causes of action which accrued before, as well as causes of action which accrue after, the passing of this Act, and shall have effect in relation to any cause of action which accrued before the passing of this Act notwithstanding that an action in respect thereof has been commenced and is pending at the passing of this Act.



(2) In the application of section 2 of this Act to an action which is pending at the passing of this Act, subsection (3) of that section shall have effect with the omission of the words from "and it also appears" to the end of the subsection.

(3) For the purposes of this section an action shall not be taken to be pending at any time after a final order or judgment has been made or given therein, notwithstanding that an appeal is pending or that the time for appealing has not expired; and accordingly section 1 of this Act shall not have effect in relation to a cause of action in respect of which a final order or judgment has been made or given before the passing of this Act.

7.—(1) In this Part of this Act "the court", in relation to an action, means the court in which the action has been, or is intended to be, brought, and "the Fatal Accidents Acts" means the Fatal Accidents Acts 1846 to 1959. Interpretation  
of Part I.

(2) In this Part of this Act any reference to the three-year period relating to a cause of action is a reference to the period of three years from the date on which that cause of action accrued:

Provided that—

- (a) in relation to any cause of action in respect of which, by virtue of section 22 of the Limitation Act 1939 (which relates to persons under a disability), an action could have been brought after the end of the period of three years from the date on which that cause of action accrued, any reference in this Part of this Act to the three-year period relating to that cause of action shall be construed as a reference to the period up to the end of which an action could, by virtue of that section, have been brought in respect thereof;
- (b) in relation to a cause of action in respect of which, by virtue of section 26 of the Limitation Act 1939 (which relates to cases of fraud or mistake), the period of limitation did not begin to run until a date after the cause of action accrued, any reference in this Part of this Act to the three-year period relating to that cause of action shall be construed as a reference to the period of three years from the date on which, by virtue of that section, the period of limitation began to run.

(3) In this Part of this Act any reference to the material facts relating to a cause of action is a reference to any one or more of the following, that is to say—

- (a) the fact that personal injuries resulted from the negligence, nuisance or breach of duty constituting that cause of action;

## PART I

- (b) the nature or extent of the personal injuries resulting from that negligence, nuisance or breach of duty ;
- (c) the fact that the personal injuries so resulting were attributable to that negligence, nuisance or breach of duty, or the extent to which any of those personal injuries were so attributable.

(4) For the purposes of this Part of this Act any of the material facts relating to a cause of action shall be taken, at any particular time, to have been facts of a decisive character if they were facts which a reasonable person, knowing those facts and having obtained appropriate advice with respect to them, would have regarded at that time as determining, in relation to that cause of action, that (apart from any defence under section 2 (1) of the Limitation Act 1939) an action would have a reasonable prospect of succeeding and of resulting in the award of damages sufficient to justify the bringing of the action.

(5) Subject to the next following subsection, for the purposes of this Part of this Act a fact shall, at any time, be taken to have been outside the knowledge (actual or constructive) of a person if, but only if,—

- (a) he did not then know that fact ;
- (b) in so far as that fact was capable of being ascertained by him, he had taken all such action (if any) as it was reasonable for him to have taken before that time for the purpose of ascertaining it ; and
- (c) in so far as there existed, and were known to him, circumstances from which, with appropriate advice, that fact might have been ascertained or inferred, he had taken all such action (if any) as it was reasonable for him to have taken before that time for the purpose of obtaining appropriate advice with respect to those circumstances.

(6) In the application of the last preceding subsection to a person at a time when he was under a disability and was in the custody of a parent, any reference to that person in paragraph (a), paragraph (b) or paragraph (c) of that subsection shall be construed as a reference to that parent.

(7) Subject to the preceding provisions of this section, expressions used in this Part of this Act and in the Limitation Act 1939 have the same meanings in this Part of this Act as in that Act.

(8) In this section “appropriate advice”, in relation to any fact or circumstances, means the advice of competent persons qualified, in their respective spheres, to advise on the medical, legal and other aspects of that fact or those circumstances, as the case may be.

## PART II

## AMENDMENT OF LAW OF SCOTLAND

**8.**—(1) Section 6 (1) of the Law Reform (Limitation of Actions, etc.) Act 1954 (which, in the case of certain actions, imposes a time-limit of three years for bringing the action) shall not afford any defence to an action to which this section applies, in so far as the action relates to any right of action in respect of which the requirements of subsection (3) of this section are fulfilled. Extension of time-limit for certain actions.

(2) This section applies to any action of damages in Scotland where the damages claimed consist of, or include, damages or solatium in respect of personal injuries sustained by the pursuer or any other person.

(3) The requirements of this subsection are fulfilled in relation to a right of action if it is proved that the material facts relating to that right of action were or included facts of a decisive character which were at all times outside the knowledge (actual or constructive) of the pursuer until a date which—

- (a) either was after the end of the three-year period relating to that right of action or was not earlier than twelve months before the end of that period, and
- (b) in either case, was a date not earlier than twelve months before the date on which the action was brought.

(4) Nothing in this section shall be construed as excluding or otherwise affecting—

- (a) any defence which, in any action to which this section applies, may be available by virtue of any enactment other than section 6 (1) of the Law Reform (Limitation of Actions, etc.) Act 1954 (whether it is an enactment imposing a period of limitation or not) or by virtue of any rule of law, or
- (b) the operation of any enactment or rule of law which, apart from this section, would enable such an action to be brought after the end of the period of three years from the date on which the right of action accrued.

**9.**—(1) In relation to any action to which section 8 of this Act applies, being an action brought by or on behalf of a person to whom a right of action has (apart from subsection (4) of this section) accrued on the death of another person (in this section referred to as “the deceased”) in consequence of personal injuries sustained by the deceased, the last preceding section shall have effect subject to the following provisions of this section. Actions in respect of death of injured person.

(2) Subsection (1) of the last preceding section shall not have effect in relation to any action falling within this section

**PART II** unless the action is brought before the end of the period of twelve months from the date on which the deceased died.

(3) For the purposes of the application of subsection (3) of the last preceding section to an action falling within this section—

- (a) any reference in the said subsection (3) to the pursuer shall be construed as a reference to the deceased, and
- (b) the requirements of that subsection shall be taken to be fulfilled in relation to a right of action if either the matters specified in that subsection (as modified by the preceding paragraph) are proved or it is proved that the material facts relating to that right of action were or included facts of a decisive character which at all times until his death were outside the knowledge (actual or constructive) of the deceased ;

and any reference in subsection (1) of that section to the requirements of the said subsection (3) shall, in relation to an action falling within this section, be construed as a reference to the requirements of the said subsection (3) as modified by this subsection.

(4) In relation to an action falling within this section—

- (a) the death of the deceased shall not, and
- (b) any circumstances falling within the next following subsection shall,

be regarded for the purposes of this Part of this Act as constituting a right of action.

(5) The circumstances referred to in paragraph (b) of the last preceding subsection include any circumstances which would have constituted a right of action in relation to an action brought by the deceased before his death in respect of the personal injuries which caused his death.

Time-limit for claiming contribution between wrongdoers.

**10.**—(1) Where under section 3 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1940 a person (in this section referred to as “the first wrongdoer”) becomes entitled after the passing of this Act to a right to recover from another person a contribution in respect of any damages or expenses, no action to recover a contribution by virtue of that right shall be brought after the end of the period of two years from the date on which that right accrued to the first wrongdoer.

(2) Section 6(2) of the Law Reform (Limitation of Actions, etc.) Act 1954 (which modifies the time-limit of three years for bringing an action in the case of persons under legal disability) shall have effect as if any reference therein to subsection (1) of that section included a reference to subsection (1) of this section :

Provided that in relation to any action to which the said section 6(2) applies by virtue of this subsection it shall have

effect as if for the words "three years" therein there were substituted the words "two years".

(3) The preceding provisions of this section, and the provisions of section 6(2) of the said Act of 1954 as extended by the last preceding subsection, shall have effect in relation to an arbitration to recover from a carrier a contribution in respect of damages to which Article 29 in Schedule 1 to the Carriage by Air Act 1961 applies, as they have effect in relation to an action for that purpose.

(4) For the purposes of this section 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.

(5) In relation to wrongful acts or omissions falling within the said Article 29 this section shall have effect in substitution for the limitation imposed by section 5(2) of the said Act of 1961; and accordingly the following provisions of that Act are hereby repealed, that is to say, in subsection (2) of section 5, the words from "but no action" to the end of the subsection; and, in paragraph (a) of section 11, heads (i) and (iii).

(6) Nothing in this section shall affect any action for a contribution where, before the passing of this Act, decree has been pronounced against the person seeking to obtain the contribution; and in this subsection "action" includes "arbitration" and "decree" includes "decree-arbitral".

11. Section 1(1) of the Limitation (Enemies and War Prisoners) Act 1945 as set out in section 4(a) of that Act (which provides for the suspension of the limitation period for bringing an action where a party was an enemy or was detained in enemy territory) shall be amended by adding at the end of the said section 1(1) the words "section six of the Law Reform (Limitation of Actions, etc.) Act 1954, subsection (1) of section ten of the Limitation Act 1963". Amendment of s. 1(1) of Limitation (Enemies and War Prisoners) Act 1945.

12.—(1) Subject to the following provisions of this section, the provisions of this Part of this Act (other than section 10 thereof and section 11 so far as it relates to the said section 10) shall have effect in relation to rights of action which accrued before, as well as rights of action which accrue after, the passing of this Act, and shall have effect in relation to any right of action which accrued before the passing of this Act notwithstanding that an action in respect thereof has been commenced and is pending at the passing of this Act. Transitional provisions.

## PART II

(2) For the purposes of this section an action shall not be taken to be pending at any time after a final order or decree has been made or pronounced therein, notwithstanding that an appeal is pending or that the time for appealing has not expired; and accordingly section 8 of this Act shall not have effect in relation to a right of action in respect of which a final order or decree has been made or pronounced before the passing of this Act.

Supplementary provisions relating to, and interpretation of, Part II.

13.—(1) Notwithstanding anything in any enactment relating to the trial by jury of actions, whether in the Court of Session or the sheriff court, no action relating to a right of action in respect of which the operation of section 6 (1) of the Law Reform (Limitation of Actions, etc.) Act 1954 is precluded by virtue of section 8 (1) of this Act shall be tried by jury.

(2) Any reference in this Part of this Act to the three-year period relating to a right of action is a reference to the period of three years from the date on which that right of action accrued:

Provided that, in relation to any right of action in respect of which, by virtue of subsection (2) of section 6 of the Law Reform (Limitation of Actions, etc.) Act 1954 (which relates to persons under a disability), an action could have been brought after the end of the period of three years from the date on which that right of action accrued, any reference in this Part of this Act to the three-year period relating to that right of action shall be construed as a reference to the period up to the end of which an action could, by virtue of that subsection, have been brought in respect thereof.

(3) For the purposes of this Part of this Act any reference in this Act to the material facts relating to a right of action is a reference to any one or more of the following, that is to say—

- (a) the fact that personal injuries resulted from a wrongful act or omission;
- (b) the nature or extent of the personal injuries so resulting;
- (c) the fact that the personal injuries so resulting were attributable to that wrongful act or omission, or the extent to which any of those personal injuries were so attributable.

(4) Subsections (4) to (6) and (8) of section 7 of this Act shall have effect for the purposes of this Part of this Act as they have effect for the purposes of Part I of this Act, with the substitution, in the said subsection (4), for the references to section 2 (1) of the Limitation Act 1939 and to a cause of action, of

references respectively to section 6 (1) of the Law Reform (Limitation of Actions, etc.) Act 1954 and to a right of action.

PART II

(5) In this Part of this Act the expression "wrongful" includes "negligent", and the expressions "commencement", in relation to an action, and "personal injuries" have the same meanings as in section 6 of the Law Reform (Limitation of Actions, etc.) Act 1954.

## PART III

## SUPPLEMENTARY

14.—(1) Section 5 of the Limitation (Enemies and War Prisoners) Act 1945 (which, in relation to Northern Ireland, restricts the application of that Act to periods of limitation prescribed by enactments in force at the date of the passing of that Act) shall have effect as if for the words "in force in Northern Ireland at the date of the passing of this Act" there were substituted the words "for the time being in force in Northern Ireland".

Provisions  
as to  
Northern  
Ireland.

(2) If the Parliament of Northern Ireland enacts legislation whereby the right to recover contribution conferred by section 16 of the Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1937 is made subject to a period of limitation of two years, and that period of limitation is not liable to be extended or postponed except in circumstances, and to an extent, corresponding to those provided for by section 4(3) of this Act, no limitation or restriction imposed by the Government of Ireland Act 1920 on the power of that Parliament to make laws shall be construed as preventing that Parliament (either by the same or any subsequent legislation) from repealing, in their application to Northern Ireland, the words repealed in relation to England and Wales by section 4(4) of this Act.

(3) If, in accordance with the last preceding subsection, the Parliament of Northern Ireland repeals those words in their application to Northern Ireland, that Parliament shall not have power to enact legislation whereby, in relation to torts falling within Article 29 in Schedule 1 to the Carriage by Air Act 1961, the period of limitation applicable to the right to recover contribution conferred by the said section 16, or by any enactment whereby that section is superseded, would be reduced below, or increased above, two years, or would be liable to be extended or postponed otherwise than as mentioned in the last preceding subsection.

15. 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.

Construction  
of references  
to enactments.

**PART III**  
Short title  
and extent.

16.—(1) This Act may be cited as the Limitation Act 1963.

(2) Part II of this Act shall extend to Scotland only, and, except so far as otherwise provided in the said Part II, Part I of this Act shall not extend to Scotland.

(3) This Act, except section 14 thereof, shall not extend to Northern Ireland.

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*Table of Statutes referred to in this Act*

| Short Title                                                           | Session and Chapter    |
|-----------------------------------------------------------------------|------------------------|
| Government of Ireland Act 1920 ... ..                                 | 10 & 11 Geo. 5. c. 67. |
| Law Reform (Miscellaneous Provisions) Act 1934                        | 24 & 25 Geo. 5. c. 41. |
| Law Reform (Married Women and Tortfeasors)<br>Act 1935 ... ..         | 25 & 26 Geo. 5. c. 30. |
| Limitation Act 1939 ... ..                                            | 2 & 3 Geo. 6. c. 21.   |
| Law Reform (Miscellaneous Provisions) (Scot-<br>land) Act 1940 ... .. | 3 & 4 Geo. 6. c. 42.   |
| Limitation (Enemies and War Prisoners) Act 1945                       | 8 & 9 Geo. 6. c. 16.   |
| Law Reform (Limitation of Actions, &c.) Act<br>1954 ... ..            | 2 & 3 Eliz. 2. c. 36.  |
| Carriage by Air Act 1961 ... ..                                       | 9 & 10 Eliz. 2. c. 27. |

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1963 CHAPTER 48

An Act to authorise the disclaimer for life of certain hereditary peerages; to include among the peers qualified to sit in the House of Lords all peers in the peerage of Scotland and peeresses in their own right in the peerages of England, Scotland, Great Britain and the United Kingdom; to remove certain disqualifications of peers in the peerage of Ireland in relation to the House of Commons and elections thereto; and for purposes connected with the matters aforesaid.

[31st July 1963]

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:—

Disclaimer of Peerage

1.—(1) Subject to the provisions of this section, any person who, after the commencement of this Act, succeeds to a peerage in the peerage of England, Scotland, Great Britain or the United

Disclaimer
of certain
hereditary
peerages.

Kingdom may, by an instrument of disclaimer delivered to the Lord Chancellor within the period prescribed by this Act, disclaim that peerage for his life.

(2) Any instrument of disclaimer to be delivered under this section in respect of a peerage shall be delivered within the period of twelve months beginning with the day on which the person disclaiming succeeds to that peerage or, if he is under the age of twenty-one when he so succeeds, the period of twelve months beginning with the day on which he attains that age; and no such instrument shall be delivered in respect of a peerage by a person who has applied for a writ of summons to attend the House of Lords in right of that peerage.

(3) The foregoing provisions of this section shall apply to a person who has succeeded to a peerage before the commencement of this Act as they apply to a person who succeeds to a peerage after the commencement of this Act, but subject to the following modifications:—

- (a) the period within which an instrument of disclaimer may be delivered by such a person shall be twelve months beginning with the commencement of this Act or, if he is then under twenty-one years of age, twelve months beginning with the day on which he attains that age; and
- (b) an instrument of disclaimer may be delivered by such a person notwithstanding that he has applied before the commencement of this Act for a writ of summons to attend the House of Lords.

(4) In reckoning any period prescribed by this section for the delivery of an instrument of disclaimer by any person no account shall be taken of any time during which that person is shown to the satisfaction of the Lord Chancellor to have been subject to any infirmity of body or mind rendering him incapable of exercising or determining whether to exercise his rights under this section.

(5) The provisions of Schedule 1 to this Act shall have effect with respect to the form of instruments of disclaimer under this section, and the delivery, certification and registration of such instruments.

2.—(1) Where a person who succeeds to a peerage to which section 1 of this Act applies is a member of the House of Commons when he so succeeds, any instrument of disclaimer to be delivered by him under that section in respect of that peerage shall be delivered within the period of one month beginning with the date of his succession, and not later; and until the expiration of that period he shall not, by virtue of

Disclaimer by members of the House of Commons and parliamentary candidates.

that peerage, be disqualified for membership of the House of Commons whether or not he has delivered such an instrument:

Provided that—

- (a) a person who is exempt from disqualification for membership of the House of Commons by virtue only of this subsection shall not sit or vote in that House while so exempt; and
- (b) if any such person applies for a writ of summons to attend the House of Lords in right of the peerage in question, this subsection shall cease to apply to him.

(2) Where a person who succeeds to such a peerage as aforesaid has been or is nominated as a candidate at a parliamentary election held in pursuance of a writ issued before his succession, he shall not (unless he applies for such a writ of summons as aforesaid) be disqualified by virtue of that peerage for election to the House of Commons at that election, and if he is so elected subsection (1) of this section shall apply to him as if he had succeeded to the peerage immediately after the declaration of the result of the election.

(3) Where an instrument of disclaimer is delivered under this Act by a person to whom this section applies, a copy of that instrument shall be delivered to the Speaker of the House of Commons.

(4) In reckoning any period prescribed by this section in relation to any person no account shall be taken—

- (a) of any time during which proceedings are pending on any parliamentary election petition in which the right of that person to be elected or returned to the House of Commons is in issue;
- (b) of any time during which that person is shown to the satisfaction of the Speaker of the House of Commons to have been subject to any such infirmity as is mentioned in subsection (4) of section 1 of this Act; or
- (c) of any time during which Parliament is prorogued or both Houses of Parliament are adjourned for more than four days;

and if Parliament is dissolved during that period the foregoing provisions of this section shall cease to apply to that person in respect of the peerage in question.

Effects of
disclaimer.

3.—(1) The disclaimer of a peerage by any person under this Act shall be irrevocable and shall operate, from the date on which the instrument of disclaimer is delivered,—

- (a) to divest that person (and, if he is married, his wife) of all right or interest to or in the peerage, and all titles, rights, offices, privileges and precedence attaching thereto; and

(b) to relieve him of all obligations and disabilities (including any disqualification in respect of membership of the House of Commons and elections to that House) arising therefrom,

but shall not accelerate the succession to that peerage nor affect its devolution on his death.

(2) Where a peerage is disclaimed under this Act, no other hereditary peerage shall be conferred upon the person by whom it is disclaimed, and no writ in acceleration shall be issued in respect of that peerage to the person entitled thereto on his death.

(3) The disclaimer of a peerage under this Act shall not affect any right, interest or power (whether arising before or after the disclaimer) of the person by whom the peerage is disclaimed, or of any other person, to, in or over any estates or other property limited or settled to devolve with that peerage.

(4) The reference in the foregoing subsection to estates or other property limited or settled to devolve with a peerage shall, for the purposes of the application of this Act to Scotland, be construed as including a reference to estates or other land devolving as aforesaid under an entail or special destination, or the beneficial interest in which so devolves under a trust.

Parliamentary qualifications of Scottish Peers, Irish Peers and Peeresses in own right

4. The holder of a peerage in the peerage of Scotland shall have the same right to receive writs of summons to attend the House of Lords, and to sit and vote in that House, as the holder of a peerage in the peerage of the United Kingdom; and the enactments relating to the election of Scottish representative peers shall cease to have effect. Scottish peerages.

5. The holder of a peerage in the peerage of Ireland shall not by virtue of that peerage be disqualified— Irish peerages.

(a) for being or being elected as a member of the House of Commons for any constituency in the United Kingdom; or

(b) for voting at elections for that House whether or not he is a member of that House.

6. A woman who is the holder of a hereditary peerage in the peerage of England, Scotland, Great Britain or the United Kingdom shall (whatever the terms of the letters patent or other instrument, if any, creating that peerage) have the same right to receive writs of summons to attend the House of Lords, and to sit and vote in that House, and shall be subject to the same disqualifications in respect of membership of the House of Commons and elections to that House, as a man holding that peerage. Peeresses in own right.

Supplemental

Short title, and repeals.

7.—(1) This Act may be cited as the Peerage Act 1963.

(2) The enactments described in Schedule 2 to this Act are hereby repealed to the extent mentioned in column 3 of that Schedule.

SCHEDULES

Section 1.

SCHEDULE 1

FORM, DELIVERY, CERTIFICATION AND REGISTRATION OF INSTRUMENTS OF DISCLAIMER

1. An instrument of disclaimer under this Act shall be an instrument under seal in the following form or any form to the like effect:

PEERAGE ACT 1963

WHEREAS I,, succeeded to the peerage[s] described in the Annex hereto on the date[s] specified in that Annex, and desire to disclaim the said peerage[s] for my life under the above mentioned Act;

AND WHEREAS I attained the age of 21 years [before the said date[s]] [on the day of];

NOW THEREFORE, I, the said....., in accordance with the provisions of the said Act, hereby disclaim the said peerage[s] for my life.

IN WITNESS whereof I have hereunto set my hand and seal this day of

Signed and sealed by the said }
.....
in the presence of: }
Signature of witness } (L.S.)
Address } (Signature)
Description }

ANNEX

Table with 2 columns: Description of peerage[s], Date[s] of succession

2. Any instrument of disclaimer under this Act shall be delivered to the office of the Clerk of the Crown in Chancery.

3. Where the Lord Chancellor is satisfied that an instrument of disclaimer in respect of a peerage has been delivered within the time allowed by this Act, he shall furnish to the person disclaiming the peerage a certificate to that effect, and shall cause particulars of the instrument and of his certificate to be entered in a register kept by him for the purpose, which shall be open to inspection by the public at all reasonable times.

SCH. 1

4. A certificate of the Lord Chancellor that an instrument of disclaimer was delivered within the time allowed by this Act shall be conclusive evidence of that fact, but shall not be evidence of any other matter relevant to the validity of the instrument, including the right of the person by whom it was delivered to any peerage to which it relates.

SCHEDULE 2

Section 7.

ENACTMENTS REPEALED

Chapter	Title	Extent of Repeal
6 Anne c. 11...	The Union with Scotland Act 1706.	Article XXII of the Treaty of Union so far as that Article relates to peers of Scotland; and Article XXIII of that Treaty except the words from "that all peers of Scotland" to "enjoy the same".
1706 c. 7 ...	An Act of the Parliament of Scotland ratifying and approving the Treaty of Union of the two Kingdoms of Scotland and England.	Article XXII of the Treaty of Union so far as that Article relates to peers of Scotland; and Article XXIII of that Treaty except the words from "that all peers of Scotland" to "enjoy the same".
1706 c. 8 ...	An Act of the Parliament of Scotland settling the manner of electing the sixteen peers and forty-five commoners to represent Scotland in the Parliament of Great Britain.	So far as it relates to peers of Scotland.
6 Anne c. 78...	The Scottish Representative Peers Act 1707.	The whole Act.
39 & 40 Geo. 3. c. 67.	The Union with Ireland Act 1800.	In Article IV of the Treaty of Union, in the fourth paragraph, the words "of Great Britain".
40 Geo 3. c. 38 (Ir.)	The Act of Union (Ireland) Act 1800.	In Article IV of the Treaty of Union, in the fourth paragraph, the words "of Great Britain".
10 & 11 Vict. c. 52.	The Representative Peers (Scotland) Act 1847.	The whole Act.
14 & 15 Vict. c. 87.	The Representative Peers (Scotland) Act 1851.	The whole Act.

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Chapter	Title	Extent of Repeal
7 & 8 Geo. 5. c. 64.	The Representation of the People Act 1918.	Section 9(5) so far as saved by paragraph (a) of the proviso to section 80(7) of the Representation of the People Act 1948.
18 & 19 Geo. 5. c. 34.	The Reorganisation of Offices (Scotland) Act 1928.	Section 6.

1963 CHAPTER 49

Contracts of Employment Act 1963

ARRANGEMENT OF SECTIONS

Minimum period of notice

Section

1. The rights of employer and employee to a minimum period of notice.
2. The rights of employee in period of notice.
3. Measure of damages in proceedings against employers.

Written particulars of terms of employment

4. Written particulars of terms of employment.
5. Provisions supplemental to s. 4.

Excluded categories of employees

6. Excluded categories of employees.

Supplemental

7. Power to vary number of weekly hours of employment necessary to qualify for rights.
8. Interpretation.
9. Work outside Great Britain.
10. Short title, application to Northern Ireland and commencement.

SCHEDULES:

- Schedule 1—Computation of period of employment.
Schedule 2—Rights of employee in period of notice.

An Act to require a minimum period of notice to terminate the employment of those who have been employed for a qualifying period, to provide for matters connected with the giving of the notice, and to require employers to give written particulars of terms of employment.

[31st July, 1963]

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:—

Minimum period of notice

1.—(1) The notice required to be given by an employer to terminate the contract of employment of a person who has been continuously employed for twenty-six weeks or more— The rights of employer and employee to a minimum period of notice.

- (a) shall be not less than one week's notice if his period of continuous employment is less than two years, and
- (b) shall be not less than two weeks' notice if his period of continuous employment is two years or more but less than five years, and
- (c) shall be not less than four weeks' notice if his period of continuous employment is five years or more.

(2) The notice required to be given by an employee who has been continuously employed for twenty-six weeks or more to terminate his contract of employment shall be not less than one week.

(3) Any provision for shorter notice in any contract of employment with a person who has been continuously employed for twenty-six weeks or more shall have effect subject to the foregoing subsections, but this section shall not be taken to prevent either party from waiving his right to notice on any occasion, or from accepting a payment in lieu of notice.

(4) Any contract of employment of a person who has been continuously employed for twenty-six weeks or more which is a contract for a term certain of four weeks or less shall have effect as if it were for an indefinite period and, accordingly, subsections (1) and (2) of this section shall apply to the contract.

(5) Schedule 1 to this Act shall apply for the purposes of this and the next following section for ascertaining the length of an employee's period of employment and whether that period of employment has been continuous.

(6) It is hereby declared that this section does not affect any right of either party to treat the contract as terminable without notice by reason of such conduct by the other party as would have enabled him so to treat it before the passing of this Act.

2.—(1) If an employer gives notice to terminate the contract of employment of a person who has been continuously employed for twenty-six weeks or more, the provisions of Schedule 2 to this Act shall have effect as respects the liability of the employer for the period of notice required by section 1(1) of this Act. The rights of employee in period of notice.

(2) If an employee who has been continuously employed for twenty-six weeks or more gives notice to terminate his contract of employment, the provisions of Schedule 2 to this Act shall have effect as respects the liability of the employer for the period of notice required by section 1(2) of this Act.

(3) This section shall not apply in relation to a notice given by the employer or the employee if the notice to be given by the employer to terminate the contract must be at least one week more than the notice required by section 1(1) of this Act.

(4) So far as a contract purports to exclude or limit the obligations imposed on an employer by this section it shall be void.

Measure of damages in proceedings against employers.

3. If an employer fails to give the notice required by section 1 of this Act the rights conferred by the last foregoing section (with Schedule 2 to this Act) shall be taken into account in assessing his liability for breach of the contract.

Written particulars of terms of employment

Written particulars of terms of employment.

4.—(1) Not later than thirteen weeks after the beginning of an employee's period of employment with an employer, the employer shall give to the employee a written statement identifying the parties, specifying the date when the employment began, and giving the following particulars of the terms of employment as at a specified date not more than one week before the statement is given, that is—

- (a) the scale or rate of remuneration, or the method of calculating remuneration,
- (b) the intervals at which remuneration is paid (that is, whether weekly or monthly or by some other period),
- (c) any terms and conditions relating to hours of work (including any terms and conditions relating to normal working hours),
- (d) any terms and conditions relating to—
 - (i) holidays and holiday pay,
 - (ii) incapacity for work due to sickness or injury, including any provisions for sick pay,
 - (iii) pensions and pension schemes, and
- (e) the length of notice which the employee is obliged to give and entitled to receive to determine his contract of employment:

Provided that paragraph (d)(iii) of this subsection shall not apply to the employees of any body or authority if the employees' pension rights depend on the terms of a pension scheme.

established under any provision contained in or having effect under an Act of Parliament and the body or authority are required by any such provision to give to new employees information concerning their pension rights, or concerning the determination of questions affecting their pension rights.

(2) If there are no particulars to be entered under any of the heads of paragraph (d), or under any of the other provisions of the last foregoing subsection, that fact shall be stated.

(3) If the contract is for a fixed term, the date when the contract expires shall be stated.

(4) If after the date to which the statement relates there is a change in the terms to be included, or referred to, in the statement, the employer shall, not more than one month after the change, inform the employee of the nature of the change by a written statement and, if he does not leave a copy of the statement with the employee, shall preserve the statement and ensure that the employee has reasonable opportunities of reading it in the course of his employment, or that it is made reasonably accessible to him in some other way.

(5) A statement under subsection (1) or subsection (4) of this section may, for all or any of the particulars to be given by the statement, refer the employee to some document which the employee has reasonable opportunities of reading in the course of his employment, or which is made reasonably accessible to him in some other way.

(6) If the employer in referring in the statement to any such document indicates to the employee that future changes in the terms the particulars of which are given in the document will be entered up in the document (or recorded by some other means for the information of persons referring to the document) the employer need not under subsection (4) of this section inform the employee of any such change which is duly entered up or recorded not more than one month after the change is made.

(7) If, not more than six months after the termination of an employee's period of employment, a further period of employment is begun with the same employer, and the terms of employment are the same, no statement need be given under subsection (1) of this section in respect of the second period of employment, but without prejudice to the operation of subsection (4) of this section if there is a change in the terms of employment.

(8) This section shall not apply to an employee if and so long as—

- (a) his contract of employment is a contract which has been reduced to writing in one or more documents and which contains express terms affording the particulars to be given under each of the paragraphs in subsection (1) of this section, and under each head of paragraph (d) of that subsection, and

- (b) a copy of the contract (with any variations made from time to time) has been given to the employee, or the employee has reasonable opportunities of reading such a copy in the course of his employment, or such a copy is made reasonably accessible to him in some other way,

and if at any time after the beginning of an employee's period of employment he ceases to come within the exception in this subsection, the employer shall give the employee a written statement under subsection (1) of this section not more than one month after that time.

(9) No account shall be taken under this section of employment during any period when the hours of employment are normally less than twenty-one hours weekly, and this section shall apply to an employee who at any time comes or ceases to come within the exception in this subsection as if a period of employment terminated or began at that time.

(10) This section shall apply in relation to an employee whose period of employment began before the date of the coming into force of this section as if for references to the beginning of the period of employment there were substituted references to that date and, in relation to any statement given before that date, subsection (4) of this section shall apply as if for the references to the period of one month after the change there were substituted a reference to the period of one month after the said date.

(11) The last foregoing subsection shall not affect the obligation to specify the date when the employment began in a statement under subsection (1) of this section, but in such a statement given to an employee whose period of employment began before the date of the coming into force of this section, and is not less than five years, the obligation may be discharged by stating that the employee has been employed for not less than five years.

Provisions
supplemental
to s. 4.

5.—(1) If a person—

- (a) without reasonable excuse fails to comply with any of the requirements of section 4 of this Act, or
- (b) in a statement under that section or in any document prepared for the purposes of subsection (5) or subsection (6) of that section includes anything which to his knowledge is false in a material particular, or recklessly includes anything which is false in a material particular,

he shall be liable on summary conviction to a fine not exceeding twenty pounds.

(2) If an employer has failed to give the statement required under subsection (1) or subsection (4) of the said section 4 within the time limited by that section then, without prejudice to the bringing of proceedings under the foregoing subsection, the employee may by notice in writing to the employer require him, within a period of not less than one week from receipt of the notice, to make good his default, and if the default continues after the expiration of that period, the employer shall be liable on summary conviction, in the case of a first offence under this subsection to a fine not exceeding twenty pounds, and in the case of a second or subsequent offence under this subsection to a fine not exceeding one hundred pounds.

(3) If an employee's employment terminates within the time limited by the said section 4 for giving a statement required under subsection (1) or subsection (4) of that section, and before the statement is given, no offence is committed under this section in respect of the failure to give the statement.

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

In this subsection, the expression "director", in relation to any body corporate which is established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking and whose affairs are managed by the members thereof, means a member of that body.

(5) The Minister shall have power by order to provide that the said section 4 shall have effect as if such further particulars as may be specified in the order were included in the particulars to be included in a statement under that section.

(6) An order under the last foregoing subsection may contain such transitional and other supplemental and incidental provisions, including provisions amending subsection (1) of the said section 4, as appear to the Minister to be expedient, and may be varied or revoked by a further order so made.

Any such order shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

Excluded categories of employees

Excluded categories of employees.
9 & 10 Geo. 6, c. 22.

6.—(1) The foregoing sections of this Act shall not apply to any registered dock worker as defined by any scheme in force under the Dock Workers (Regulation of Employment) Act 1946 except when engaged in work which is not dock work as defined by the scheme.

(2) The foregoing sections of this Act shall not apply to—

- (a) a person employed as master of or a seaman on a seagoing British ship having a gross registered tonnage of 80 tons or more, including a person ordinarily employed as a seaman who is employed in or about such a ship in port by the owner or charterer of the ship to do work of a kind ordinarily done by a seaman on such a ship while it is in port, or
- (b) a person working under an indenture of apprenticeship recorded in accordance with the requirements of section 108 of the Merchant Shipping Act 1894 (apprenticeship to the sea service), or
- (c) a person employed as a skipper of or a seaman on a fishing boat for the time being required to be registered under section 373 of the said Act.

57 & 58 Vict. c. 60.

(3) Section 4 of this Act shall not apply where the employee is the father, mother, husband, wife, son or daughter of the employer.

(4) Section 4 of this Act shall apply to an employee who at any time comes or ceases to come within the exceptions provided for by or under this section as if a period of employment terminated or began at that time.

(5) The Minister shall have power by order—

- (a) to provide that all or any of the foregoing sections of this Act shall not apply to persons or to employment of such classes or descriptions as may be prescribed by the order, and
- (b) to vary or revoke any of the provisions of subsections (1), (2) and (3) of this section.

(6) An order under the last foregoing subsection may contain such transitional and other supplemental and incidental provisions as appear to the Minister to be expedient, and may be varied or revoked by a further order so made.

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

Supplemental

7.—(1) The Minister shall have power by order to provide that this Act shall have effect—

(a) as if for the reference to twenty-one hours in section 4(9), or

(b) as if for each of the references to twenty-one hours in paragraphs 3 and 4 of Schedule 1 and paragraph 3(3) of Schedule 2,

Power to vary number of weekly hours of employment necessary to qualify for rights.

there were substituted a reference to such other number of hours less than twenty-one as may be specified in the order.

(2) Orders under the foregoing subsection may specify different numbers of hours for the purposes of paragraphs (a) and (b), and an order under paragraph (b) shall affect the operation of Schedule 1 to this Act as respects periods before the order takes effect for the purposes of sections 1 and 2 of this Act, as well as respects later periods.

(3) An order under this section may contain such transitional and other supplemental and incidental provisions as appear to the Minister to be expedient, and may be varied or revoked by a further order so made.

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

8.—(1) In this Act—

Interpretation.

“employee” means an individual who has entered into or works under a contract with an employer, whether the contract be for manual labour, clerical work or otherwise, be expressed or implied, oral or in writing, and whether it be a contract of service or of apprenticeship; and cognate expressions shall be construed accordingly;

“the Minister” means the Minister of Labour.

(2) Sections 1 and 2 of this Act shall apply in relation to any contract made before they come into force, and in relation to a contract all or any of the terms of which are terms which take effect by virtue of any provision contained in or having effect under an Act of Parliament, whether public or local, as they apply in relation to any other contract; and the reference in this subsection to an Act of Parliament includes, subject to any express provision to the contrary, an Act passed after this Act.

9.—(1) Sections 1 to 4 of this Act shall not apply in relation to employment during any period when the employee is engaged to employment during any period when the employee is engaged

Work outside Great Britain.

in work wholly or mainly outside Great Britain unless the employee ordinarily works in Great Britain and the work outside Great Britain is for the same employer.

(2) Subject to the foregoing subsection, this Act shall apply whatever the law governing the contract between the employer and the employee.

Short title,
application
to Northern
Ireland and
commence-
ment

10.—(1) This Act may be cited as the Contracts of Employment Act 1963.

(2) This Act shall not form part of the law of Northern Ireland.

(3) This Act shall come into force on such date as the Minister may by order contained in a statutory instrument appoint, and the Minister may appoint different dates for different provisions.

SCHEDULES

Section 1.

SCHEDULE 1

COMPUTATION OF PERIOD OF EMPLOYMENT

Preliminary

1.—(1) The employee's period of employment shall be computed in weeks in accordance with this Schedule, and the periods of two and five years mentioned in section 1 of this Act shall be taken as 104 and 260 weeks respectively.

(2) Save as otherwise expressly provided, the provisions of this Schedule apply to periods before it comes into force as they apply to later periods.

(3) For the purpose of computing an employee's period of employment (but not for any other purpose), the provisions of this Schedule apply to periods during which the employee is engaged in work wholly or mainly outside Great Britain, and periods during which the employee is excluded by or under section 6 of this Act, as they apply to other periods.

General provisions as to continuity of period of employment

2. Except so far as otherwise provided by the following provisions of this Schedule, any week which does not count under paragraphs 3 to 6 of this Schedule breaks the continuity of the period of employment.

Normal working weeks

3. Any week in which the employee is employed for twenty-one hours or more shall count in computing a period of employment.

Employment governed by contract

4. Any week during the whole or part of which the employee's relations with the employer are governed by a contract of employment which normally involves employment for twenty-one hours or more weekly shall count in computing a period of employment.

Periods in which there is no contract of employment

5.—(1) If in any week the employee is, for the whole or part of the week—

- (a) incapable of work in consequence of sickness or injury, or
- (b) absent from work on account of a temporary cessation of work, or
- (c) absent from work in circumstances such that, by arrangement or custom, he is regarded as continuing in the employment of his employer for all or any purposes,

that week shall, notwithstanding that it does not fall under paragraph 3 or paragraph 4 of this Schedule, count as a period of employment.

(2) Not more than twenty-six weeks shall count under paragraph (a) of the foregoing sub-paragraph between any two periods falling under paragraphs 3 and 4 of this Schedule.

(3) Paragraph (b) of sub-paragraph (1) of this paragraph shall not apply to a temporary cessation of work on account of a strike in which the employee takes part.

Industrial disputes before Act comes into force

6. If in any week beginning before this Schedule comes into force the employee was, for the whole or any part of the week, absent from work—

- (a) because he was taking part in a strike, or
- (b) because of a lock-out by the employer,

the week shall count as a period of employment.

Industrial disputes after Act comes into force

7.—(1) A week shall not count under paragraph 3, paragraph 4 or paragraph 5 of this Schedule if in that week, or any part of that week, the employee takes part in a strike.

(2) The continuity of an employee's period of employment is not broken by a week which does not count under this Schedule, and which begins after it comes into force, if in that week, or any part of that week, the employee takes part in a strike except where the employee has, in taking part in the strike, broken his contract of employment.

(3) Sub-paragraph (2) applies whether or not the week would, apart from sub-paragraph (1), have counted under this Schedule.

8. The continuity of the period of employment is not broken by a week which begins after this Schedule comes into force and which does not count under this Schedule, if in that week or any part of that week the employee is absent from work because of a lock-out by the employer.

SCH. 1

Re-instatement after service with the armed forces, etc.

11 & 12 Geo. 6.
c. 64.

9.—(1) If a person who is entitled to apply to his former employer under Part II of the National Service Act 1948 (re-instatement in civil employment) enters the employment of that employer not later than the end of the six months period mentioned in section 35(2)(b) of that Act, his previous period of employment with that employer (or if there was more than one such period, the last of those periods) and the period of employment beginning in the said period of six months shall be treated as continuous.

(2) The reference in this paragraph to Part II of the National Service Act 1948 includes a reference to that Part of that Act as amended, applied or extended by any other Act passed before or after this Act.

Change of employer

10.—(1) Subject to this paragraph, the foregoing provisions of this Schedule relate only to employment by the one employer.

(2) If a trade or business or an undertaking (whether or not it be an undertaking established by or under an Act of Parliament) is transferred from one person to another, the period of employment of an employee in the trade or business or undertaking at the time of the transfer shall count as a period of employment with the transferee, and the transfer shall not break the continuity of the period of employment.

(3) If by or under an Act of Parliament, whether public or local and whether passed before or after this Act, a contract of employment between any body corporate and an employee is modified and some other body corporate is substituted as the employer, the employee's period of employment at the time when the modification takes effect shall count as a period of employment with the second mentioned body corporate, and the change of employer shall not break the continuity of the period of employment.

(4) If on the death of an employer the employee is taken into the employment of the personal representatives or trustees of the deceased, the employee's period of employment at the time of the death shall count as a period of employment with the employer's personal representatives or trustees, and the death shall not break the continuity of the period of employment.

(5) If there is a change in the partners, personal representatives or trustees who employ any person, the employee's period of employment at the time of the change shall count as a period of employment with the partners, personal representatives or trustees after the change, and the change shall not break the continuity of the period of employment.

Interpretation

11.—(1) In this Schedule, unless the context otherwise requires,—
“lock-out” means the closing of a place of employment, or the suspension of work, or the refusal by an employer to continue to employ any number of persons employed by him in consequence of a dispute, done with a view to compelling those persons, or to aid another employer in compelling persons employed by him, to accept terms or conditions of or affecting employment;

“strike” means the cessation of work by a body of persons employed acting in combination, or a concerted refusal or a refusal under a common understanding of any number of persons employed to continue to work for an employer in consequence of a dispute, done as a means of compelling their employer or any person or body of persons employed, or to aid other employees in compelling their employer or any person or body of persons employed, to accept or not to accept terms or conditions of or affecting employment;

SCH. 1

“week” means a week ending with Saturday.

(2) For the purposes of this Schedule the hours of employment of an employee who is required by the terms of his employment to live on the premises where he works shall be the hours during which he is on duty or during which his services may be required.

SCHEDULE 2

Section 2.

RIGHTS OF EMPLOYEE IN PERIOD OF NOTICE

Preliminary

1.—(1) For the purposes of this Schedule the cases where there are normal working hours include cases where the employee is entitled to overtime pay when employed for more than a fixed number of hours in a week or other period, and, subject to the following subparagraph, in those cases that fixed number of hours (in this paragraph referred to as “the number of hours without overtime”) shall be the normal working hours.

(2) If in such a case—

- (a) the contract of employment fixes the number, or the minimum number, of hours of employment in the said week or other period (whether or not it also provides for the reduction of that number or minimum number of hours in certain circumstances), and
- (b) that number or minimum number of hours exceeds the number of hours without overtime,

that number or minimum number of hours (and not the number of hours without overtime) shall be the normal working hours.

(3) In this Schedule the “period of notice” means the period of notice required by section 1(1) or, as the case may be, section 1(2) of this Act.

Employments for which there are normal working hours

2.—(1) This paragraph shall apply if there are normal working hours for the employee when employed under the contract of employment in force in the period of notice, and if during any part of those normal working hours—

- (a) the employee is ready and willing to work but no work is provided for him by his employer, or

SCH. 2

(b) the employee is incapable of work because of sickness or injury, or

(c) the employee is absent from work in accordance with the terms of his employment relating to holidays.

(2) If the employee's remuneration for employment in normal working hours, whether by the hour or week or other period, does not vary with the amount of work done in the period, the employer shall be liable to pay the employee for the normal working hours as much as the amount which would have been payable if the employee had been employed throughout the part of the normal working hours covered by paragraphs (a), (b) and (c) of sub-paragraph (1) of this paragraph.

(3) If sub-paragraph (2) does not apply, the employer shall be liable for the part of the normal working hours covered by paragraphs (a), (b) and (c) of sub-paragraph (1) of this paragraph to pay to the employee a sum not less than remuneration for that part of the normal working hours calculated at the average hourly rate of remuneration payable to him by the employer in respect of the period of four weeks ending with the last complete week before the notice was given.

(4) In arriving at the said average hourly rate of remuneration only the hours when the employee was working, and only the remuneration payable for, or apportionable to, those hours of work, shall be brought in; and if for any of the said four weeks no such remuneration was payable by the employer to the employee, account shall be taken of remuneration in earlier weeks so as to bring the number of weeks of which account is taken up to four.

(5) Any payments made to the employee by his employer in respect of the relevant part of the period of notice, whether by way of sick pay, holiday pay or otherwise, shall go towards meeting the employer's liability under this paragraph.

(6) Where the notice was given by the employee, the employer's liability under this paragraph shall not arise unless and until the employee leaves the service of the employer in pursuance of the notice.

(7) References in this paragraph to remuneration varying with the amount of work done include references to remuneration which may include any commission or similar payment which varies in amount.

Employments for which there are no normal working hours

3.—(1) This paragraph shall apply if there are no normal working hours for the employee when employed under the contract of employment in force in the period of notice.

(2) For each week of the period of notice the employer shall be liable to pay the employee a sum not less than his average weekly rate of remuneration in the period of twelve weeks ending with the last complete week before the notice was given.

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3) In arriving at the said average weekly rate of remuneration account shall be taken of a week in which the employee worked for the employer for less than twenty-one hours; and where, as a result, the period for which the average is to be taken would be less than eight weeks, account shall be taken of remuneration in earlier weeks so as to bring the number of weeks averaged up to eight.

4) Subject to this paragraph, the employer's obligation under this paragraph shall be conditional on the employee being ready and willing to do work of a reasonable nature and amount to earn remuneration at the rate mentioned in sub-paragraph (2).

5) Sub-paragraph (4) shall not affect the liability of the employer—

(a) in respect of any period during which the employee is incapable of work because of sickness or injury, or

(b) in respect of any period during which the employee is absent from work in accordance with the terms of his employment relating to holidays,

and any payment made to an employee by his employer in respect of such a period, whether by way of sick pay, holiday pay or otherwise, shall be taken into account for the purposes of this paragraph as if it were remuneration paid by the employer in respect of that period.

6) Where the notice was given by the employee, the employer's liability under this paragraph shall not arise unless and until the employee leaves the service of the employer in pursuance of the notice.

Absence on leave granted at request of employee

4. The employer shall not be liable under the foregoing provisions of this Schedule to make any payment in respect of a period during which the employee is absent from work with the leave of the employer granted at the request of the employee.

Notice given before a strike

5. No payment shall be due under this Schedule in consequence of a notice to terminate a contract given by an employee if, after the notice is given and on or before the termination of the contract, the employee takes part in a strike of employees of the employer.

In this paragraph "strike" has the same meaning as in Schedule 1 of this Act.

Termination of employment during period of notice

5.—(1) If, during the period of notice, the employer breaks the contract of employment, payments received under this Schedule in respect of the part of the period of notice after the breach shall go towards mitigating the damages recoverable by the employee for loss of earnings in that part of the period of notice.

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(2) If, during the period of notice, the employee breaks the contract and the employer rightfully treats the breach as terminating the contract, no payment shall be due to the employee under this Schedule in respect of the part of the period of notice falling after the termination of the contract.

Supplemental

7.—(1) In arriving at an average hourly rate or average weekly rate of remuneration under this Schedule—

- (a) account shall be taken of work for a former employer within the period for which the average is to be taken if by virtue of paragraph 10 of Schedule 1 to this Act a period of employment with the former employer counted as part of the employee's continuous period of employment with the later employer, and
- (b) "week" means, for an employee whose remuneration is calculated weekly by a week ending with a day other than Saturday, a week ending with that other day, and, for other employees, means a week ending with Saturday.

8. Where under this Schedule account is to be taken of remuneration or other payments for a period which does not coincide with the periods for which the remuneration or other payments are calculated, the remuneration or other payments shall be apportioned in such manner as may be just.

**1963 CHAPTER 50***Television Act 1963***ARRANGEMENT OF SECTIONS****Section**

1. Extension of period for which Authority are to provide television services.
2. Authority's responsibility for programmes.
3. Submission to Authority of programme schedules.
4. Buying and selling of programmes by programme contractors.
5. Advertisements.
6. Committee and panel to advise on advertisements.
7. Rental payments by programme contractors.
8. Newspaper shareholdings.
9. Interpretation of references to activity as advertising agent.
10. Provision of news.
11. Contracts for programmes.
12. Breach of contract.
13. Second television service provided by Authority.
14. Programme prizes.
15. Audience research.
16. Programmes relating to controversial matters.
17. Postmaster General's control of technical processes.

Section

18. Co-operation of Authority with British Broadcasting Corporation in use of broadcasting installations.
19. Broadcasts exploiting techniques for influencing audiences unconsciously.
20. Withdrawal of power to make grants to Authority.
21. Approvals by Authority.
22. Variation and revocation of directions and notices.
23. Amendments and repeals.
24. Commencement of Act.
25. Short title, citation, interpretation and extent.

SCHEDULES:

- Schedule 1—Rules as to advertisements.
 Schedule 2—Amendments of principal Act.
 Schedule 3—Repeals.

An Act to extend the period for which the Independent Television Authority are to provide television services, to make further provision with respect to the control exercisable by the Authority over the programmes broadcast by them and over programme contractors, to require additional payments from programme contractors which will not form part of the revenue of the Authority, and to amend in other respects the law relating to the Authority and broadcasting by the Authority. [31st July 1963]

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

1. The Independent Television Authority (in this Act referred to as "the Authority") shall, subject to the provisions of this Act and of the Television Act 1954 (in this Act referred to as "the principal Act"), as amended by this Act, provide television broadcasting services until 31st July 1976.

Extension of period for which Authority are to provide television services.
 2 & 3 Eliz. 2, c. 55.

2.—(1) It shall be the duty of the Authority—

- (a) to provide the television broadcasting services as a public service for disseminating information, education and entertainment,
- (b) to ensure that the programmes broadcast by the Authority in each area maintain a high general standard in all respects, and in particular in respect of their content and quality, and a proper balance and wide range in their subject-matter, having regard both to the programmes as a whole and also to the days of the

Authority's responsibility for programmes.

week on which, and the times of the day at which, the programmes are broadcast, and

(c) to secure a wide showing for programmes of merit.

(2) The Authority—

(a) shall draw up, and from time to time review, a code giving guidance—

(i) as to the rules to be observed in regard to the showing of violence, particularly when large numbers of children and young persons may be expected to be watching the programmes, and

(ii) as to such other matters concerning standards and practice for programmes (other than advertisements) broadcast by the Authority as the Authority may consider suitable for inclusion in the code, and in considering what other matters ought to be included in the code in pursuance of sub-paragraph (i) shall have special regard to programmes broadcast when large numbers of children and young persons may be expected to be watching ; and

(b) shall secure that the provisions of the code are observed in relation to all programmes (other than advertisements) broadcast by the Authority.

(3) The Authority may, in the discharge of their general responsibility for programmes other than advertisements, impose requirements as to standards and practice for such programmes which go beyond, or relate to matters not covered by, the provisions of the code ; and the methods of control exercisable by the Authority for the purpose of securing that the provisions of the code are observed, and for the purpose of securing compliance with such requirements which go beyond, or relate to matters not covered by, the code, shall include a power to give directions to a programme contractor (or any other person providing such programmes) imposing prohibitions or restrictions as respects items of a specified class or description or as respects a particular item.

Submission to Authority of programme schedules.

3.—(1) In the case of programmes other than advertisements, the methods by which the Authority discharge their duties under the last foregoing section shall include the consideration of programme schedules submitted by programme contractors to the Authority for approval in accordance with this section ; and, subject to subsection (5) of this section, no such programme provided by a programme contractor shall be broadcast by the Authority unless it forms part of a programme schedule so approved.

(2) A programme schedule—

(a) shall be drawn up in consultation with the Authority,
and

(b) shall be for a period determined by the Authority,

and the Authority may give to programme contractors such directions as appear to the Authority expedient for the purpose of ensuring that the Authority have sufficient time to discharge their responsibilities in the consideration of programme schedules.

(3) The Authority may give directions, which may be, to any degree, either general or specific and qualified or unqualified,—

(a) as to the exclusion of any item from a programme schedule,

(b) as to the inclusion in, or in a particular part of, a programme schedule of an item, or items, of a particular category, or

(c) as to the inclusion in a particular part of a programme schedule of a particular item,

and the Authority shall not approve a programme schedule until they are satisfied that it conforms with any directions given under this section.

(4) Without prejudice to the Authority's power to approve for the purposes of this section a revised or amended version of a programme schedule previously approved by them, the Authority may, if they think fit to do so in view of any change of circumstances occurring after a programme schedule has been approved by them, permit the programme contractor to make such alterations in that programme schedule as the Authority may approve, being alterations proposed to them in any convenient manner; and a programme schedule in which alterations have been made by virtue of this subsection shall, as so altered, be treated as having been approved by the Authority in accordance with this section.

(5) The Authority may give directions, which may be, to any degree, either general or specific and conditional or unconditional, authorising the making of alterations in any approved programme schedule without prior reference to the Authority—

(a) where it is difficult or impracticable for the programme contractor to communicate with the Authority in the time available, or

(b) in the event of a technical breakdown;

and the programmes contained in a programme schedule in which alterations are made by virtue of this subsection may be broadcast by the Authority notwithstanding those alterations.

(6) The Authority's approval under this section may be given subject to such exceptions, reservations and qualifications as the

Authority think fit, and the Authority may at any time call for further particulars of a programme schedule submitted to them, or of any item in the programme schedule.

Buying and selling of programmes by programme contractors.

4.—(1) The Authority may give directions to any programme contractor requiring him to supply to another programme contractor for inclusion in his programmes any item supplied or originated by the first programme contractor; and the contracts between the Authority and the various programme contractors shall contain all such provisions as the Authority think necessary or expedient for ensuring—

(a) that each programme contractor will take all reasonable steps to put himself in a position to comply with any directions which may be given to him under this subsection and, when any such directions have been given to him, to enable the other programme contractor to include the item to which the directions relate in his programmes, and

(b) that if financial and other arrangements for the supply of any item in respect of which directions have been given under this subsection are not agreed between the two programme contractors, or when so agreed do not receive the approval of the Authority required by virtue of subsection (2) of this section, the item will be supplied in accordance with such financial and other arrangements as may be determined by the Authority.

(2) The contracts between the Authority and the various programme contractors shall provide that, where items to be included in the programmes of a programme contractor are not originated by that programme contractor, the financial and other arrangements between the programme contractor and the supplier shall require the approval of the Authority—

(a) in all cases where the supplier is another programme contractor, and

(b) in such other cases as the Authority may from time to time direct;

and directions given for the purposes of this subsection may apply to programme contractors generally or may be different for different programme contractors.

Advertisements.

5.—(1) Schedule 1 to this Act (which reproduces, with additions and amendments, the rules regarding the broadcasting of advertisements contained in Schedule 2 to the principal Act) shall have effect in substitution for the said Schedule 2; and accordingly in section 4 of the principal Act (which relates to advertisements) any reference to the said Schedule 2 shall be construed as a reference to Schedule 1 to this Act.

(2) It shall be the duty of the Authority—

- (a) to draw up, and from time to time review, a code governing standards and practice in advertising and prescribing the advertisements and methods of advertising to be prohibited, or prohibited in particular circumstances, and
- (b) to secure that the provisions of the code are complied with as regards the advertisements included in the programmes broadcast by the Authority.

(3) The Authority may, in the discharge of their general responsibility for advertisements and methods of advertising, impose requirements as to advertisements and methods of advertising which go beyond the requirements imposed by the code, and the methods of control exercisable by the Authority for the purpose of securing that the provisions of the code are complied with, and for the purpose of securing compliance with requirements which go beyond the requirements of the code, shall include a power to give directions to a programme contractor with respect to the classes and descriptions of advertisements and methods of advertising to be excluded, or to be excluded in particular circumstances, or with respect to the exclusion of a particular advertisement, or its exclusion in particular circumstances.

(4) The Authority may give directions to a programme contractor with respect to the times when advertisements are to be allowed.

(5) Directions under this section may be, to any degree, either general or specific, and qualified or unqualified, and directions under subsection (4) of this section may, in particular, relate to—

- (a) the greatest amount of time to be given to advertisements in any hour or other period,
- (b) the minimum interval which must elapse between any two periods given over to advertisements and the number of such periods to be allowed in any programme or item in a programme or in any hour or day,
- (c) the exclusion of advertisements from a specified broadcast,

and may make different provision for different parts of the day, different days of the week, different types of programmes or for other differing circumstances.

6.—(1) The Authority may in drawing up the code under the last foregoing section adopt all or any of the provisions of any code submitted to the Authority under section 8 (2) (b) of the principal Act by the committee referred to in that paragraph, Committee and panel to advise on advertisements.

with such additions, modifications and exceptions, if any, as appear to the Authority to be appropriate.

(2) The functions of the said committee shall include the duty of keeping the code under review and submitting to the Authority recommendations as to any alterations which appear to them to be desirable.

(3) The said committee shall be so constituted as to be representative of the public as consumers, as well as of the interests described in the said section 8 (2) (b), and so much of that paragraph as includes in its functions the giving of advice to programme contractors shall cease to have effect.

(4) Before appointing a person to be the chairman of the said committee, the Authority shall satisfy themselves that that person—

- (a) will have no financial or other interest in any advertising agency, and
- (b) will have no such other financial or other interest in advertising as is in the opinion of the Authority likely to prejudice his independence as chairman ;

and the Authority shall also satisfy themselves from time to time that the chairman of the said committee has no such interest as is described in paragraph (a) or (b) of this subsection.

(5) The Authority shall, after consultation with such professional organisations as the Postmaster General may require and such other bodies or persons as the Authority think fit, appoint or arrange for the assistance of, a medical advisory panel to give advice to the Authority as to—

- (a) advertisements for medicines and medical and surgical treatments and appliances,
- (b) advertisements for toilet products which include claims as to the therapeutic or prophylactic effects of the products,
- (c) advertisements for medicines and medical and surgical treatments for veterinary purposes,

and such other advertisements as the Authority may think fit to refer to the panel.

(6) The Authority shall consult the panel before drawing up the code and in the course of any review of the code.

(7) The Authority shall ensure that, before the first occasion on which they broadcast an advertisement which in their opinion falls under paragraph (a), (b) or (c) of subsection (5) of this section, the advertisement is, in accordance with arrangements

approved by the Authority, referred to a member or members of the panel for advice :

Provided that this subsection shall not apply to an advertisement first broadcast by the Authority on or before 29th July 1964.

7.—(1) The contracts between the Authority and the various programme contractors shall provide for payments to be made by the programme contractors to the Authority under two heads, namely—

Rental payments by programme contractors.

- (a) payments representing what appear to the Authority to be the appropriate contributions of the respective programme contractors towards meeting the sums which the Authority regard as necessary in order to discharge their duty under section 10 of the principal Act (general duty of Authority as to finance), and
- (b) additional payments (hereafter in this section referred to as "additional payments") of amounts determined by reference to advertising receipts as defined in this section.

(2) The additional payments shall not form part of the revenue of the Authority and, when received by the Authority, shall be paid into the Exchequer of the United Kingdom or the Exchequer of Northern Ireland as provided by this section.

(3) The additional payments which a programme contractor is to make for any accounting period as defined by this section shall be of an amount which, subject to any order under this section, shall be that determined by the two next following subsections.

(4) If the accounting period is a period of 12 months, the amount of the additional payments for the accounting period shall be that given by the following Table.

TABLE
RATES FOR A 12-MONTH PERIOD

	<i>Appropriate rate for determining amount of additional payment</i>
For the first one-and-a-half million pounds of the advertising receipts of the programme contractor for the 12-month accounting period	Nil
For the next six million pounds of those advertising receipts	25 per cent.
For the amount by which those advertising receipts exceed the aggregate of the said sums of one-and-a-half million and six million pounds	45 per cent.

(5) If the accounting period is a period of less than 12 months, the Table in the last foregoing subsection shall apply with the substitution for the sums specified in column 1 of sums which, to the nearest one hundred pounds, and ignoring an odd sum of fifty pounds or less, are equal to the sums in the Table multiplied by the fraction represented by the number of whole weeks in the accounting period divided by 52.

(6) The Postmaster General may with the approval of the Treasury, and after consultation with the Authority, by order amend subsection (4) of this section in all or any of the following respects, that is, by increasing or reducing any rate, or the number of different rates, or the amount to which any rate applies; and the references in this subsection to a rate include the case where the rate is nil.

The power of making orders under this subsection shall include power to vary or revoke a previous order and shall be exercisable by statutory instrument; but no such statutory instrument shall be made unless a draft thereof has been laid before Parliament and approved by a resolution of each House.

An order under this subsection shall have effect as respects all additional payments to be computed by reference to advertising receipts for any period after the order comes into force, whether the contracts under which the additional payments are due were executed before or after the making of the order.

(7) The contracts between the Authority and the programme contractors—

- (a) shall provide for ascertaining the advertising receipts for any accounting period at monthly intervals in that period, for the computation of the amount, if any, of the additional payments due by reference to the advertising receipts for the part of the accounting period down to the latest date of which account is taken in the computation, and for the making of additional payments in accordance with the computations (and after giving credit for any payments already made) not later than four weeks from the said latest date, and
- (b) shall authorise the Authority, in a case where a programme contractor fails to make a return required by the contract, or makes a return appearing to the Authority to be incomplete or inaccurate, to estimate the amount of the additional payments due, and shall provide that the amount estimated shall be treated as payable, unless the contrary is proved, and
- (c) shall provide that where for any insertion of an advertisement a programme contractor receives or is

entitled to an entire consideration not solely referable to that insertion, the advertising receipts shall be calculated by reference to so much only of the consideration as is referable to that insertion according to an apportionment made in such manner as any such contract may provide,

and it shall be the duty of the Authority in framing the contracts with the various programme contractors to include such terms as are in their opinion necessary or expedient to ensure that the amount of the additional payments required under this section are paid promptly and in full.

(8) Every contract between the Authority and a programme contractor which provides for the supply of programmes to be broadcast from stations of which some are in Great Britain and some in Northern Ireland shall provide that, as regards his advertising receipts for any period, the programme contractor shall give to the Authority such information as they may require for the purpose of ascertaining the proportions in which those receipts derive from the broadcasting of advertisements from stations in Great Britain and stations in Northern Ireland respectively.

(9) On receipt of any additional payments the Authority shall deal with them as follows:—

- (a) if they were paid under a contract for the supply of programmes to be broadcast from stations all of which are in Great Britain, the Authority shall pay them into the Exchequer of the United Kingdom;
- (b) if they were paid under a contract for the supply of programmes to be broadcast from stations all of which are in Northern Ireland, the Authority shall pay them into the Exchequer of Northern Ireland;
- (c) if they were paid under such a contract as is mentioned in subsection (8) of this section, the Authority shall pay them into those Exchequers respectively in the proportions in which, according to the information supplied by the programme contractor, the advertising receipts for the relevant accounting period derive from the broadcasting of advertisements from stations in Great Britain and stations in Northern Ireland respectively, or, if the programme contractor has failed to supply the necessary information, or the payments became due as the result of an estimate made by the Authority, in such proportions as the Authority estimate to be appropriate.

(10) The Authority shall prepare in respect of each financial year an account showing the additional payments received under all their contracts with programme contractors and of the

sums paid into the Exchequers of the United Kingdom and of Northern Ireland respectively under subsection (9) of this section and shall send the account 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.

(11) In this section—

- (a) the expression “ advertising receipts ” means, in relation to a programme contractor, and in relation to any period, the payments received or to be received by the programme contractor in consideration of the insertion of advertisements in programmes provided by the programme contractor and broadcast in the United Kingdom by the Authority in the period, and
- (b) the expression “ payment ” includes any valuable consideration ;

and for the purposes of the definition in paragraph (a) above—

- (i) if, in connection with the insertion of advertisements which are paid for by payments constituting advertising receipts, any payments are made to the programme contractor to meet any additional payments due from the programme contractor under this section, those payments shall be regarded as made in consideration of the insertion of the advertisements in question, and
- (ii) in the case of an advertisement inserted in a programme under arrangements made between a programme contractor and a person acting as advertising agent, the amount of any receipt by the programme contractor which represents a payment by the advertiser from which the advertising agent has deducted any amount by way of commission shall be the amount of the payment by the advertiser after the deduction of the commission, so, however, that if the amount so deducted exceeds fifteen per cent. of the payment by the advertiser, the amount of the receipt shall be the amount of that payment less fifteen per cent.

(12) The contracts between the Authority and the various programme contractors shall include such terms as are in the opinion of the Authority necessary or expedient to ensure that, except for deduction of commission by persons acting as advertising agents, the amount of the advertising receipts of a programme contractor is not reduced under arrangements by which any part of the consideration for the insertion of advertisements in programmes provided by the programme contractor is receivable by any person other than the programme contractor.

whether that other person is under the control of the programme contractor or not.

(13) For the purposes of this section, each period of 12 months during which a programme contractor provides programmes for broadcasting by the Authority shall be an accounting period, and where the total period for which a programme contractor provides programmes under any one contract is not an exact number of years, the last part of that total period shall be an accounting period:

Provided that—

- (a) a contract which varies another contract under which a programme contractor provides programmes for broadcasting by the Authority may modify the foregoing provisions of this subsection, but not so as to create an accounting period of more than 12 months, and
- (b) if part of an accounting period falls before, and part after, the date on which an order under subsection (6) of this section takes effect, the two parts shall be treated for the purposes of this section as separate accounting periods.

8.—(1) Every contract concluded between the Authority and a programme contractor shall, where the programme contractor is a body corporate, contain all such provisions as the Authority think necessary or expedient to ensure that if at any time there are newspaper shareholdings in the programme contractor, and it appears to the Authority that the existence of those shareholdings has led or is leading to results which are contrary to the public interest, the Authority may, with the consent of the Postmaster General, by notice in writing to the programme contractor, taking effect forthwith or on a date specified in the notice, determine or suspend for such period as may be so specified or until a further notice is given, the Authority's obligation to transmit the programmes supplied by the programme contractor.

(2) Without prejudice to any such provisions as aforesaid in a contract between the Authority and a programme contractor, if at any time there are newspaper shareholdings in the programme contractor, and it appears to the Postmaster General that the existence of those shareholdings has led or is leading to results which are contrary to the public interest, he may, after consultation with the Authority, by order made by statutory instrument—

- (a) determine on a date specified in the order the Authority's obligation to transmit the programmes supplied by the programme contractor, or

- (b) suspend that obligation for such period as may be so specified, or during a period beginning with a date so specified and continuing so long as the order remains in force, and
- (c) whether or not the order provides for the determination or suspension of the said obligation, direct that, while the order remains in force, the Authority shall not enter into any further contract with the programme contractor for the supply of programmes.

An order under this subsection may be revoked by a subsequent order thereunder.

(3) Before making any order under the last foregoing subsection the Postmaster General shall lay a draft thereof before each House of Parliament, and shall not make the order until a resolution has been passed by each House of Parliament approving the draft :

Provided that this subsection shall not apply to an order the sole purpose of which is to rescind, postpone commencement of, or terminate a period of suspension or cancel a direction.

(4) The determination or suspension in accordance with this section of the Authority's obligation to transmit the programmes supplied by the programme contractor, whether effected by a notice or by an order, shall not affect the programme contractor's obligation as to the supply of programmes up to the date when the determination or suspension takes effect ; and where such a determination or suspension takes effect, the programme contractor shall not be entitled to any compensation from the Authority or to any refund of any sum previously paid by the programme contractor or to any relief from any liability which has accrued at the date when the determination or suspension takes effect for any sums payable by the programme contractor to the Authority.

(5) For the purposes of this section there are newspaper shareholdings in a body corporate if shares in that body corporate are held by any individual or body corporate being either—

- (a) the proprietor of any newspaper, whether national or local, or
- (b) a person who has control over any body corporate which is a proprietor of such a newspaper.

Interpretation of references to activity as advertising agent.

9. For the purposes of this Act and the principal Act—

- (a) a person shall not be regarded as carrying on business as an advertising agent, or as acting as such an agent, unless he carries on a business involving the selection and purchase of advertising space or time for persons wishing to advertise,

- (b) a person who carries on such a business shall be regarded as carrying on business as an advertising agent irrespective of whether he is in law the agent of those for whom he acts,
- (c) a person who is the proprietor of a newspaper shall not be regarded as carrying on business as an advertising agent by reason only that he makes arrangements on behalf of advertisers whereby advertisements appearing in the newspaper are also to appear in one or more other newspapers, and
- (d) a company or other body corporate shall not be regarded as carrying on business as an advertising agent by reason only that its objects or powers include or authorise that activity ;

and any reference in this Act or the principal Act to an advertising agency shall be construed accordingly.

10.—(1) In section 3 (1) of the principal Act, for the words **Provision**

“(c) that any news given in the programmes (in whatever **of news.**
form) is presented with due accuracy and impartiality ”

there shall be substituted the words

“(c) that a sufficient amount of time in the programmes is given to news and news features and that all news given in the programmes (in whatever form) is presented with due accuracy and impartiality ”.

(2) The contracts between the Authority and the various programme contractors shall contain all such provisions as the Authority think necessary or expedient to ensure—

- (a) that there is at all times at least one body or organisation effectively equipped and adequately financed to provide news for broadcasting in the programmes supplied to the Authority by the respective programme contractors, and that in so far as any such body or organisation supplies to programme contractors other programmes which it can suitably provide, it is effectively equipped and adequately financed for the purpose, and
- (b) that each of the programme contractors is afforded opportunities of obtaining a financial interest in that body or organisation or, if there is more than one such body or organisation, in such of them as the Authority may in his case direct, and
- (c) that the appointment of the manager, editor or other chief executive of any such body or organisation is approved by the Authority.

11.—(1) The Authority shall not enter into any contract with **Contracts**
a programme contractor for the provision of programmes for a **for**
period of more than six years, but that shall not preclude the **programmes.**

Authority from entering into successive contracts with the same programme contractor.

(2) Without prejudice to the duty of the Authority under section 5 (2) of the principal Act to secure adequate competition, the Authority shall, by advertisement in newspapers and by such other means as appear to them appropriate, give public notice of their intention to negotiate contracts in replacement of their contracts with programme contractors which are due to expire on 29th July 1964, and of their intention to entertain applications from existing programme contractors and others.

(3) Every contract concluded between the Authority and a programme contractor shall, where the programme contractor is a body corporate, contain all such provisions as the Authority think necessary or expedient to ensure that if any change affecting the nature or characteristics of the body corporate, or any change in the persons having control over or interests in the body corporate, takes place after the conclusion of the contract, which, if it had occurred before the conclusion of the contract, would have induced the Authority to refrain from entering into the contract, the Authority may by notice in writing to the programme contractor, taking effect forthwith or on a date specified in the notice, determine the contract.

(4) Every contract concluded between the Authority and a programme contractor shall contain all such provisions as the Authority for the purposes of the discharge of their functions think necessary or expedient to ensure that the programme contractor—

- (a) if so required, will provide the Authority in advance with scripts and particulars of the programmes or any part thereof (including advertisements) and of full details of the technical arrangements for obtaining visual images and sounds which are to form the programmes or any part thereof,
- (b) if so required, will make visual and sound records of the programmes or any part thereof (including advertisements) and produce them to the Authority for examination or reproduction,
- (c) will provide the Authority with such declarations, returns, documents and other information as the Authority may require,
- (d) in particular, if so required, will provide the Authority with information as to the costs incurred by the programme contractor in providing the programmes or any part thereof (including advertisements) and his receipts from advertisers,
- (e) if so required, will give reasonable facilities to the Authority for inspecting the books, accounts, records

and other documents kept by the programme contractor for the purposes of any business carried on by him, and for taking copies of, or of any part of, any such documents.

(5) For the purpose of maintaining supervision and control over the programmes (including advertisements) broadcast by them the Authority may make visual and sound records of those programmes or any part thereof; and the making and use by the Authority of any such record exclusively for that purpose—

- (a) shall not constitute an infringement of the copyright in any work, sound recording or cinematograph film; and
- (b) shall not constitute an offence under any of the provisions of the Performers' Protection Acts 1958 and 1963.

(6) Section 6 (1) of the principal Act (which requires the inclusion in the Authority's contracts of provisions for securing compliance with that Act) shall apply as if the reference to that Act included a reference to this Act.

12.—(1) Every contract between the Authority and a programme contractor shall be such as to secure that no notice can be given in pursuance of a right reserved in accordance with section 6 (3) of the principal Act (which requires the inclusion in the contract of provision for determination or suspension of the contract after a breach by the programme contractor) unless the programme contractor has broken the contract on at least three occasions and, in respect of each of those breaches of contract, has received from the Authority written particulars of the breach within one month from the time when the breach came to the notice of the Authority. Breach of contract.

(2) Without prejudice to the power of the parties to agree upon any wider form of arbitration provision, every such contract shall be such as to secure that any dispute—

- (a) whether an alleged breach of which the programme contractor has received written particulars is a breach of the contract for the purposes of the provisions included in the contract in pursuance of the foregoing subsection, or
 - (b) whether the written particulars were received from the Authority within one month from the time that the breach came to the notice of the Authority,
- shall be determined by arbitration.

(3) Section 6 (2) of the principal Act (which requires the inclusion in contracts of pecuniary penalties), together with the proviso to section 6 (3) of that Act (which restricts the rights to be reserved under that subsection to cases where pecuniary penalties have been incurred), shall cease to have effect.

Second television service provided by Authority.

13. If at any time the Authority are broadcasting more than one programme for reception in any one area, the Authority shall in carrying out their duties under this Act ensure that, so far as possible, the same kind of subject-matter is not broadcast at the same time in the different programmes.

Programme prizes.

14.—(1) Without prejudice to the provision as to prizes and gifts in section 3 (3) of the principal Act, a programme broadcast by the Authority—

(a) shall not include anything which offers any prize of significant value (whether competed for or not) or any gift of significant value unless—

(i) the value of the prize or gift does not exceed an amount previously approved by the Authority for that prize or gift in relation to that programme, and

(ii) the aggregate value of all such prizes and gifts offered in the programme does not exceed an amount previously approved by the Authority for that programme; and

(b) shall not include anything which offers any prize or gift of significant value in connection with a game, competition or test of any kind unless the rules governing the conduct of the game, competition or test have been previously approved by the Authority.

(2) The foregoing subsection—

(a) shall not apply to so much of any programme as consists of advertisements, and

(b) shall not be taken to apply to a programme by reason only that in it there is broadcast a sporting or other event or competition not organised for the purpose of the programme.

Audience research.

15.—(1) The functions of the Authority shall include the making of arrangements for bringing the programmes (including advertisements) broadcast by the Authority and the other activities of the Authority under constant and effective review, and in particular for ascertaining the state of public opinion concerning the programmes (including advertisements) broadcast by the Authority and for encouraging the making of useful comments and suggestions by members of the public.

(2) The arrangements shall include provision for full consideration by the Authority of the facts, comments and suggestions so obtained.

16.—(1) In applying section 3 (1) (f) of the principal Act (which requires due impartiality in providing programmes relating to matters of political or industrial controversy or to current public policy) a series of programmes may be considered as a whole. Programmes relating to controversial matters.

(2) In section 3 (1) of the principal Act, paragraph (g) and the proviso (which, with certain exceptions, require matter designed to serve the interests of any political party to be excluded from the programmes broadcast by the Authority) shall cease to have effect.

17.—(1) The Postmaster General may at any time, after consultation with the Authority, by notice in writing require the Authority— Postmaster General's control of technical processes.

- (a) to adopt or use, or refrain from adopting or using, technical measures or processes specified in the notice,
- (b) to instal, establish, maintain or use any such additional station, stations or apparatus as may be so specified, situate in such places and complying with such requirements as may be so specified,
- (c) to broadcast such test or experimental transmissions from such station or stations, and at such times and for such periods, as may be so specified,

and it shall be the duty of the Authority to comply with the notice.

(2) A copy of any notice served on the Authority under this section shall be laid by the Postmaster General before each House of Parliament.

18.—(1) The Postmaster General may at any time by notice in writing— Co-operation of Authority with British Broadcasting Corporation in use of broadcasting installations.

- (a) require the Authority to radiate such of their broadcast transmissions as may be specified in the notice from a mast, tower or other installation belonging to the British Broadcasting Corporation (hereafter in this section referred to as "the Corporation"); or
- (b) require the Authority to permit such of the Corporation's broadcast transmissions as may be so specified to be radiated from a mast, tower or other installation belonging to the Authority; or
- (c) require the Authority to co-operate with the Corporation in providing and using an installation and to radiate such of the Authority's broadcast transmissions as may be so specified from that installation,

and it shall be the duty of the Authority to comply with any such notice.

(2) Before giving a notice under this section to the Authority the Postmaster General shall consult the Authority and the Corporation.

(3) If, after a notice is given under this section to the Authority, a dispute between the Authority and the Corporation arising out of the matters to which the notice relates is referred to the Postmaster General by either body, or it appears to the Postmaster General that there is such a dispute, he may give such directions to the Authority as he may think expedient for determining the dispute, and it shall be the duty of the Authority to comply with any such directions.

Broadcasts exploiting techniques for influencing audiences unconsciously.

19. It shall be the duty of the Authority to satisfy themselves that the programmes broadcast by the Authority do not include, whether in an advertisement or otherwise, any technical device which, by using images of very brief duration or by any other means, exploits the possibility of conveying a message to, or otherwise influencing the minds of, members of an audience without their being aware, or fully aware, of what has been done.

Withdrawal of power to make grants to Authority.

20. Section 11 of the principal Act (under which the Postmaster General may make grants to the Authority) shall cease to have effect.

Approvals by Authority.

21. The Authority may,—

(a) for the purposes of any provision in this Act or in the principal Act which makes anything subject to the approval of the Authority, or

(b) for the purposes of provisions included in the contracts between the Authority and the various programme contractors in pursuance of section 4 (2) of this Act,

give an approval in general terms applying to all cases within the terms in which the approval is given.

Variation and revocation of directions and notices.

22.—(1) Any direction or notice given by the Postmaster General or by the Authority under any provision in this Act or in the principal Act may be varied or revoked by a subsequent direction or notice under that provision.

(2) This section shall apply as respects the variation or revocation of directions and notices given before or after the passing of this Act.

Amendments and repeals.
9 & 10 Eliz. 2,
c. 15.

23.—(1) The principal Act shall have effect subject to the amendments set out in Schedule 2 to this Act.

(2) In section 3 (2) of the Post Office Act 1961 (which provides for payment into the Post Office Fund of sums provided by

Parliament for paying the Postmaster General for discharging his functions under the principal Act) the reference to the principal Act shall include a reference to this Act.

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

24.—(1) Save as otherwise expressly provided, nothing in sections 1 to 15 or Schedule 1 of this Act shall apply in relation to the television broadcasting services provided by the Authority before the expiration of the period of ten years beginning with the passing of the principal Act (that is to say before 30th July 1964), or in relation to contracts wholly relating to programmes to be broadcast before the expiration of that period. Commence-
ment of Act.

(2) No order shall be made under section 8 (2) of this Act before the expiration of the said period.

(3) Subject to the foregoing provisions of this section, and subject to any other express provision in this Act, this Act shall come into force at the expiration of the period of one month beginning with the date on which this Act is passed.

25.—(1) This Act may be cited as the Television Act 1963, and the principal Act and this Act may be cited together as the Television Acts 1954 and 1963. Short title,
citation,
interpretation
and extent.

(2) In this Act the expression “programme contractor” has the meaning assigned to it by section 2 (2) of the principal Act, and the expression “control” has the meaning assigned to it by section 19 of the principal Act.

(3) It is hereby declared that this Act extends to Northern Ireland.

(4) Section 20 (3) of the principal Act (under which the provisions of the principal Act may be extended to the Isle of Man and the Channel Islands) shall apply as if references in that subsection to the principal Act included references to this Act.

Section 5.

SCHEDULES

SCHEDULE 1

RULES AS TO ADVERTISEMENTS

1.—(1) The advertisements must be clearly distinguishable as such and recognisably separate from the rest of the programme.

(2) Successive advertisements must be recognisably separate.

(3) Advertisements must not be arranged or presented in such a way that any separate advertisement appears to be part of a continuous feature.

(4) Audible matter in advertisements must not be excessively noisy or strident.

2. The standards and practice to be observed in carrying out the requirements of the foregoing paragraph shall be such as the Authority may determine either generally or in particular cases.

3. The amount of time given to advertising in the programmes shall not be so great as to detract from the value of the programmes as a medium of information, education and entertainment.

4. Advertisements shall not be inserted otherwise than at the beginning or the end of the programme or in natural breaks therein.

5.—(1) Rules (to be agreed upon from time to time between the Authority and the Postmaster General, or settled by the Postmaster General in default of such agreement) shall be observed as to the classes of broadcasts (which shall in particular include the broadcast of any religious service) in which advertisements may not be inserted, and the interval which must elapse between any such broadcast and any previous or subsequent period given over to advertisements.

(2) The Postmaster General may, after consultation with the Authority, impose rules as to the minimum interval which must elapse between any two periods given over to advertisements, and the rules may make different provision for different circumstances.

6. In the acceptance of advertisements there must be no unreasonable discrimination either against or in favour of any particular advertiser.

7.—(1) The charges made by any programme contractor for advertisements shall be in accordance with tariffs fixed by him from time to time, being tariffs drawn up in such detail and published in such form and manner as the Authority may determine.

(2) Any such tariffs may make provision for different circumstances, and, in particular, may provide, in such detail as the Authority may determine, for the making, in special circumstances, of additional special charges.

8. No advertisement shall be permitted which is inserted by or on behalf of any body the objects whereof are wholly or mainly of a religious or political nature, and no advertisement shall be permitted which is directed towards any religious or political end or has any relation to any industrial dispute.

9. If, in the case of any of the television broadcasting stations used by the Authority, there appears to the Authority to be a sufficient local demand to justify that course, provision shall be made for a reasonable allocation of time for local advertisements, of which a suitable proportion shall be short local advertisements.

SCH. 1

SCHEDULE 2

Section 23.

AMENDMENTS OF PRINCIPAL ACT

Removal of upper limit on membership of Authority

1. In section 1 (2) the words "nor more than eight" shall cease to have effect.

Appointment of Chairman and Deputy Chairman

2. It is hereby declared that the appointments of members of the Authority to be made by the Postmaster General under section 1 (3) include the appointment of the Chairman and Deputy Chairman of the Authority as such and that, in determining under section 1 (8) the remuneration and allowances to be paid to the members of the Authority, different provision may be made as regards the Chairman, the Deputy Chairman and the other members.

Provision of programmes outside programme contracts

3. The Authority may under section 2 (2) (b) (which relates to the provision of programmes outside programme contracts) arrange for the provision of programmes by persons who are programme contractors, as well as by other persons, and accordingly in that paragraph the words "otherwise than as aforesaid" shall cease to have effect.

Provision of experimental educational services outside programme contracts

4.—(1) In section 2 (2), at the end of paragraph (b) there shall be inserted the words "and

(c) with the consent of the Postmaster General, arrange for the provision, otherwise than by programme contractors, of educational broadcasting services of an experimental nature to be broadcast in addition to educational programmes provided for the purpose of the public service referred to in section 2 (1) (a) of the Television Act 1963 by programme contractors."

(2) So much of section 4 (6) as prohibits the inclusion in programmes (other than advertisements) broadcast by the Authority of anything which could reasonably be supposed to have been included therein in return for payment or other valuable consideration to the Authority shall not apply to any programme so broadcast in an educational service provided under section 2 (2) (c).

Extent of Authority's statutory duty as to exclusion of offensive matter

5. In section 3 (1) (a) the words "or which contains any offensive representation of or reference to a living person" shall cease to have effect.

SCH. 2

Programmes in languages other than English

6.—(1) in section 3 (1) (e), at the end there shall be added the words “and, where another language as well as English is in common use among those so served, a suitable proportion of matter in that language”.

(2) Nothing in this paragraph shall apply in relation to the television broadcasting services provided by the Authority before 30th July 1964.

Expression of opinion in Authority's publications

7. Section 3 (2) shall not apply to the Authority's publications, and accordingly in that subsection the words “to secure the exclusion from any publications which they may issue and” shall be omitted, and before the words “from the programmes” there shall be inserted the words “to secure the exclusion”.

Authority's duty in relation to advertisements

8. In section 4 (3) (duty of Authority in relation to the advertisements included in the programmes broadcast by the Authority, whether provided by programme contractors or by the Authority), the words “whether provided by programme contractors or by the Authority” shall cease to have effect.

Directions as to advertising

9. In section 4 (5), for the words “the classes and descriptions of goods or services which must not be advertised” there shall be substituted the words “the classes and descriptions of advertisements which must not be broadcast”.

Types of announcements permitted in programmes

10. In the proviso to section 4 (6), after paragraph (d) there shall be added the following paragraph—

“(dd) items inserted at the request, or under the authority, of a Minister of the Crown (including a Minister of Northern Ireland)”.

Broadcasting facilities in respect of sporting and other events

11. In section 7 (1) (under which regulations may be made with a view to preventing the making of exclusive arrangements for the broadcast to a restricted audience of sporting or other events of national interest) the words “to a restricted audience” shall cease to have effect.

Advisory committees

12.—(1) It is hereby declared that under section 8 (1) the Authority have power to appoint a general advisory council.

(2) Without prejudice to the generality of section 8 (1), the Authority shall in particular appoint, or arrange for the assistance of, a committee consisting of persons who have, or are representative of authorities or organisations who have, special interest and experience in education, to give advice to the Authority, and in

particular, advice on the policy for, and planning of, broadcasts intended for reception by schools and other educational establishments.

SCH. 2

(3) The Authority shall arrange for the committee under this paragraph to be in a position to discharge their functions not later than the end of July 1964 and, at the end of that month, section 8 (2) (c) (which requires the Authority to appoint or arrange for the assistance of a committee to advise on children's programmes) shall cease to have effect.

(4) As from 30th July 1964 the Authority shall cease to be under a duty to comply or secure compliance with the recommendations of the committees mentioned in section 8 (2); and on that date so much of that subsection as relates to that duty shall cease to have effect.

Announcement of prohibition of broadcasts

13. If under section 9 (2) the Postmaster General by notice in writing requires the Authority to refrain from broadcasting anything, the Authority may, if they think fit, broadcast an announcement of the notice or of the revocation or expiration of the notice; and the powers of the Postmaster General under section 9 (2) shall have effect subject to this paragraph.

Directions as to hours of broadcasting

14.—(1) A direction under section 9 (3) (under which the Postmaster General may control the maximum and minimum time given to broadcasts) may relate to the maximum or minimum number, or to both the maximum and minimum number, of hours of broadcasting in any week or other period.

(2) A direction under section 9 (3) may be framed in any way, and in particular—

- (a) may be confined to broadcasts from those television broadcasting stations which transmit, or usually transmit, the same programme, or may be different for different television broadcasting stations, or for different programmes broadcast from the same station;
- (b) may make special provision for annual holidays and other special occasions;
- (c) may be confined to a specified day in the week, or may be different for different days in the week;
- (d) in imposing a maximum number of hours for any purpose, may allow for programmes or items of specified kinds being left out of account in determining the maximum, whether in all circumstances or depending on the fulfilment of specified conditions as regards programmes or items so specified.

(3) The Postmaster General may, whether or not a direction under section 9 (3) provides for exemptions, exempt the Authority from any requirement of such a direction on any occasion or in any circumstances.

- SCH. 2 (4) Nothing in this paragraph or in section 9 (3) shall be taken as authorising the Postmaster General to give directions which make different provision for the parts of programmes consisting of advertisements and the other parts of programmes.

Training of persons employed by Authority

15. In section 16 (1) (b), after the word "health" there shall be added the word "training".

Quorum of the Authority

- 16.—(1) In paragraph 3 of Schedule 1, for the word "three", in both places where it occurs, there shall be substituted the word "four".

- (2) Nothing in this paragraph shall affect the validity of anything done by the Authority before the coming into force of this paragraph.

Capacity of Authority as a statutory corporation

17. Paragraph 4 of Schedule 1 (capacity of Authority to do such things and enter into such transactions as are incidental or conducive to the exercise and performance of their powers and duties under the principal Act) shall have effect as if the reference to that Act included a reference to this Act.

SCHEDULE 3

Section 23.

REPEALS

Session and Chapter	Short Title	Extent of Repeal
2 & 3 Eliz. 2. c. 55.	The Television Act 1954.	<p>As from one month from the passing of this Act—</p> <p>In section 1(1), the words “ and for the period of ten years from the passing of this Act ”, and in section 1(2), the words “ nor more than eight ”.</p> <p>In section 2(2)(b), the words “ otherwise than as aforesaid ”.</p> <p>In section 3(1), in paragraph (a), the words “ or which contains any offensive representation of or reference to a living person ” and the whole of paragraph (g) and the proviso, and in section 3(2), the words “ to secure the exclusion from any publications which they may issue and ”.</p> <p>In section 4(3), the words “ whether provided by programme contractors or by the Authority ”.</p> <p>In section 7(1), the words “ to a restricted audience ”.</p> <p>Section 9(4)(5).</p> <p>Sections 11 and 12.</p> <p>In section 15, the words “ The Society of Incorporated Accountants ”.</p> <p>As from 30th July 1964—</p> <p>Section 3(1)(b).</p> <p>Section 5(5).</p> <p>In section 6(1) the words “ (including provisions for the purposes set out in the Third Schedule to this Act) ” and the proviso, section 6(2), and in section 6(3) the proviso.</p> <p>In section 8(2), the words “ and programme contractors ” in paragraph (b), and the words from “ and to prepare ” in that paragraph to the end of the section.</p> <p>Schedules 2 and 3.</p>
9 & 10 Eliz. 2. c. 15.	The Post Office Act 1961.	Section 1(4)(b).



1963 CHAPTER 51*Land Compensation (Scotland) Act 1963***ARRANGEMENT OF SECTIONS****PART I****DETERMINATION OF QUESTIONS OF DISPUTED COMPENSATION
BY OFFICIAL ARBITER****Section**

1. Period during which Part I shall have effect.
2. Tribunal for assessing compensation in respect of land compulsorily acquired.
3. Procedure on references under s. 2.
4. Consolidation of proceedings on claims in respect of several interests in the same land.
5. Expenses.
6. Power to refer to Commissioners of Inland Revenue or to agreed arbiter.
7. Rules and fees.

PART II**DETERMINATION OF QUESTIONS OF DISPUTED COMPENSATION
BY LANDS TRIBUNAL**

8. Tribunal for assessing compensation in respect of land compulsorily acquired.
9. Procedure on references under s. 8.
10. Consolidation of proceedings on claims in respect of several interests in the same land.
11. Expenses.

PART III**PROVISIONS DETERMINING AMOUNT OF COMPENSATION***General Provisions*

12. Rules for assessing compensation.
13. Disregard of actual or prospective development in certain cases.
14. Effect of certain actual or prospective development of adjacent land in same ownership.
15. Subsequent acquisition of adjacent land and acquisition governed by enactment corresponding to s. 14.
16. Disregard of depreciation due to prospect of acquisition by authority possessing compulsory purchase powers.

Special cases

17. Acquisition of houses unfit for human habitation.
18. Land of statutory undertakers.
19. Outstanding right to compensation for refusal, etc. of planning permission.
20. Consideration in respect of discharge of feu-duty etc.
21. War-damaged land.

Assumptions as to planning permission

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22. Assumptions as to planning permission.
23. Assumptions not directly derived from development plans.
24. Special assumptions in respect of certain land comprised in development plans.

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CERTIFICATION BY PLANNING AUTHORITIES OF APPROPRIATE
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34. Extension of ss. 31, 32 and 33 to planning permission where no planning decision made.
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36. Regulations for purposes of Part V.
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PART VI

MISCELLANEOUS AND GENERAL

38. Power to pay allowances to persons displaced.
39. Withdrawal of notices to treat.
40. Rate of interest after entry on land.
41. Application of Act to Crown.
42. Certificates of value.
43. Saving for certain statutory purchases of statutory undertakings.
44. Provisions as to inquiries and service of notices.
45. Interpretation.
46. Amendment of s. 1 (6) of the Lands Tribunal Act 1949.
47. Consequential amendments, repeals and transitional provisions.
48. Saving for transactions before commencement.
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SCHEDULES:

- Schedule 1—Actual or prospective development relevant for purposes of ss. 13 and 14.
- Schedule 2—Acquisition of houses as being unfit for human habitation.
- Schedule 3—Application of Part V to certain cases.
- Schedule 4—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. [31st July 1963]

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 BY OFFICIAL ARBITER

Period during which Part I shall have effect.

1. Until the coming into force in Scotland of sections 1 to 4 of the Lands Tribunal Act 1949 this Part of this Act shall have effect in relation to the determination of any such question as is mentioned in the next following section.

Tribunal for assessing compensation in respect of land compulsorily acquired.

2.—(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 arbitration of such one of a panel of official arbiters appointed under this section as may be selected in accordance with rules made by the Reference Committee under this section and shall be determined by such arbiter in accordance with the following provisions of this Act.

(2) Such number of persons, being persons with special knowledge in the valuation of land, as may be appointed by the Reference Committee shall form a panel of persons to act as official arbiters for the purposes of this Part of this Act.

(3) A person appointed to be a member of the panel of official arbiters shall hold office for such term certain as may be determined by the Treasury before his appointment.

(4) There shall be paid out of moneys provided by Parliament to official arbiters such salaries or remuneration as the Treasury may determine.

PART I

(5) The Reference Committee shall consist of the Lord President of the Court of Session, the Lord Justice Clerk and the Chairman of the Scottish Committee of the Royal Institution of Chartered Surveyors.

3.—(1) The following provisions shall have effect with respect to any proceedings on a question referred to the official arbiter under section 2 of this Act. Procedure on references under s. 2.

(2) The official arbiter shall sit in public.

(3) Not more than one expert witness on either side shall be heard unless the official arbiter 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) The official arbiter shall be entitled to enter on and inspect any land which is the subject of proceedings before him.

(5) An official arbiter shall be entitled to be furnished with such returns and assessments as he may require.

(6) The official arbiter shall, on the application of either party, specify the amount awarded in respect of any particular matter the subject of the award.

(7) The fees to be charged in respect of proceedings before official arbiters shall be such as the Treasury may prescribe.

(8) Subject as aforesaid, the Reference Committee may make rules regulating the procedure before official arbiters.

(9) The decision of an official arbiter upon any question of fact shall be final and binding on the parties and the persons claiming under them respectively, but the official arbiter may, and shall, if the Court of Session so directs, state at any stage of the proceedings, in the form of a special case for the opinion of the said Court, any question of law arising in the course of the proceedings, and may state his award as to the whole or part thereof in the form of a special case for the opinion of the said Court.

4. Where notices to treat have been served for the acquisition of the 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 official arbiter, and the Reference Committee may make rules providing that such claims shall be heard together; but the value of the several interests shall be separately assessed. Consolidation of proceedings on claims in respect of several interests in the same land.

PART I
Expenses.

5.—(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 official arbiter to that claimant does not exceed the sum offered ; or
- (b) the official arbiter 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 official arbiter shall, unless for special reasons he thinks proper not to do so, order the claimant to bear his own expenses and to pay the expenses 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 official arbiter the notice should have been delivered.

(2) The notice mentioned in subsection (1) (b) 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 such a notice as is mentioned in subsection (1) (b) 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 official arbiter is equal to or exceeds that sum, the official arbiter shall, unless for special reasons he thinks proper not to do so, order the acquiring authority to bear their own expenses and pay the expenses of the claimant so far as they were incurred after his offer was made.

(4) Subject as aforesaid, the expenses of an arbitration under this Part of this Act shall be in the discretion of the official arbiter who may direct to and by whom, and in what manner, those expenses or any part thereof shall be paid, and the official arbiter may, in any case, disallow the cost of counsel.

(5) An official arbiter may himself tax the amount of expenses ordered to be paid or may direct in what manner they are to be taxed.

(6) Where the official arbiter orders the claimant to pay the expenses, or any part of the expenses, of the acquiring authority, the acquiring authority may deduct the amount so payable by the claimant from the amount of the compensation, if any, payable to him.

(7) For the purposes of this section, expenses include any fees, charges and expenses of the arbitration or award.

6.—(1) Nothing in this Part of this Act shall prevent, if the parties so agree, the reference of any question as to disputed compensation or apportionment of rent to the Commissioners of Inland Revenue or to an arbiter agreed on between the parties.

PART I

Power to refer
to Commis-
sioners of
Inland
Revenue or to
agreed
arbiter.

(2) Where a question is so referred to the Commissioners of Inland Revenue, the Commissioners shall not proceed by arbitration, but shall cause an assessment to be made in accordance with the rules for the assessment of compensation under this Act, and the following provisions shall have effect:—

- (a) The parties shall comply with any direction or requirements as to the furnishing of information (whether orally or in writing) and the production of documents and otherwise;
- (b) Any officer of the Commissioners appointed for the purpose shall be entitled to enter on and inspect any land which is subject to the reference to them;
- (c) The Commissioners, if either party so desires within such time as the Commissioners may allow, shall give the parties an opportunity of being heard before such officer of the valuation office of the Commissioners as the Commissioners may appoint for the purpose;
- (d) The assessment when made shall be published to the parties and take effect as if it were an award of an official arbiter under this Part of this Act;
- (e) If either party refuses or neglects to comply with any direction or requirement of the Commissioners, the Commissioners may decline to proceed with the matter, and in that case the question shall be referred to an official arbiter as if there had been no reference to the Commissioners, and the official arbiter when awarding expenses shall take into consideration any report of the Commissioners as to the refusal or neglect which rendered such a reference to him necessary.

(3) Where a question is referred to an arbiter under subsection (1) of this section, the provisions of this Part of this Act, except sections 2 and 4 and so much of section 3 as requires proceedings to be in public and as provides for the fixing of fees, shall apply as if the arbiter was an official arbiter.

(4) Either party to a claim for compensation may require the Commissioners of Inland Revenue to assess the value of the land in respect of which the claim arises, and a copy of any such assessment shall be sent forthwith by the Commissioners to the other party, and a certified copy of such assessment shall be admissible in evidence of that value in

PART I proceedings before the official arbiter, and the officer who made the assessment shall attend, if the official arbiter so require, to answer such questions as the official arbiter may think fit to put to him thereon.

Rules and fees. 7.—(1) Any power to make rules conferred by this Part of this Act on the Reference Committee and the power to prescribe fees conferred by this Part of this Act on the Treasury shall be exercisable by statutory instrument.

(2) The Statutory Instruments Act 1946 shall apply to a statutory instrument containing rules made for the purposes of this Part of this Act as if the rules had been made by a Minister of the Crown.

PART II

DETERMINATION OF QUESTIONS OF DISPUTED COMPENSATION BY LANDS TRIBUNAL

Tribunal for assessing compensation in respect of land compulsorily acquired.

8. As from the coming into operation of this Part of this Act, 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 for Scotland (hereafter in this Part of this Act referred to as "the Lands Tribunal") and shall be determined by the Lands Tribunal in accordance with the following provisions of this Act.

Procedure on references under s. 8.

9.—(1) The following provisions shall have effect with respect to any proceedings on a question referred to the Lands Tribunal under section 8 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.

10. Where notices to treat have been served for the acquisition of the 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 President of the Court of Session 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.

PART II
Consolidation
of proceedings
on claims in
respect of
several
interests in the
same land.

11.—(1) Where either—

Expenses.

- (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 expenses and to pay the expenses 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) (b) 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 such a notice as is mentioned in subsection (1) (b) 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 expenses and pay the expenses of the claimant so far as they were incurred after his offer was made.

(4) The Lands Tribunal may in any case disallow the cost of counsel.

(5) Where the Lands Tribunal orders the claimant to pay the expenses, or any part of the expenses, of the acquiring authority, the acquiring authority may deduct the amount so payable by the claimant from the amount of the compensation, if any, payable to him.

PART III

PROVISIONS DETERMINING AMOUNT OF COMPENSATION

General provisions

Rules for
assessing
compensation.

12. Compensation in respect of any compulsory acquisition shall be assessed in accordance with the following rules:—

- (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 nature that there is no general demand or market for land for that purpose, the compensation may, if the official arbiter 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.

13.—(1) Subject to section 15 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 Schedule 1 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 Schedule 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 or (in a case falling within paragraph 4) if the scheme therein mentioned had not come into operation.

(2) In determining whether the relevant land forms part of such an area as is mentioned in paragraph 3 of Schedule 1,—

- (a) in the case of an area designated as the site of a new town by an order which became operative on or before 29th October, 1958, 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 29th 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.

(3) In this section and in Schedule 1 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 ;

and any reference to development of any land shall be construed as including a reference to the clearing of that land.

PART III
Effect of certain actual or prospective development of adjacent land in same ownership.

14.—(1) Subject to section 15 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.

(2) The said increase is such as, in the circumstances described in any of the paragraphs in the first column of Schedule 1 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 section 13 (1) 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 Schedule 1, but modified, as respects the prospect of any development, by the omission of the words "other than the relevant land", wherever they occur.

(3) Nothing in this section shall affect the amount which is to be taken as the amount of the compensation for the purposes of section 20 of this Act (which relates to the consideration payable for the discharge of land from feu-duty and incumbrances).

Subsequent acquisition of adjacent land and acquisition governed by enactment corresponding to s. 14.

15.—(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 Schedule 1 to this Act, been taken into account by virtue of section 14 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 13 of this Act, or taken into account by virtue of section 14 of this Act or any corresponding enactment, in so far as it was taken into account in connection with the previous acquisition.

(2) Where, in connection with a compulsory acquisition of an interest in land, a diminution in the value of an interest in other land has, in any of the circumstances mentioned in the first column of the said Schedule 1, 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 13 of this Act in so far as it was taken into account in connection with the previous acquisition.

(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 14 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 Schedule 3 to the Town and Country Planning (Scotland) 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.

PART III

(7) References in this section to a corresponding enactment are references to any of the following, that is to say,—

- (a) section 13 of the Light Railways Act 1896 ;
- (b) paragraph (2) (C) of the Schedule to the Development and Road Improvement Funds Act 1909 ;
- (c) paragraph (a) of the proviso to section 13 (1) of the Restriction of Ribbon Development Act 1935 ;
- (d) paragraph 5 of Schedule 4 to the Housing (Scotland) Act 1950 ;

and, in subsection (1), include references to any such local enactment as is mentioned in subsection (5).

Disregard of depreciation due to prospect of acquisition by authority possessing compulsory purchase powers.

16. 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.

Special Cases

Acquisition of houses unfit for human habitation.

17. The provisions of Schedule 2 to this Act shall have effect as to compensation in respect of the acquisition of land in the circumstances mentioned in that Schedule.

Land of statutory undertakers.

18. 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 (Scotland) Act 1947) for the purposes of their undertaking, the provisions of this Act shall have effect subject to the provisions of section 42 (5) of that Act (which makes special provision as to the compensation payable in respect of certain acquisitions of land so acquired).

Outstanding right to compensation for refusal, etc. of planning permission.

19.—(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 Secretary of State under section 23 or section 47 of the Town and Country Planning (Scotland) 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—

- (a) no notice stating that the compensation has become payable has been recorded before the date of service of the notice to treat (whether or not a claim for compensation has been made) ; but

(b) such a notice is recorded on or after that date ;

PART III

the compensation payable in respect of the compulsory acquisition shall be assessed as if the said notice had been recorded before the date of service of the notice to treat.

(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 (Scotland) Act 1954 in respect of depreciation of the value of that interest, or

(b) under section 20 (1) of the Town and Country Planning (Scotland) Act 1947, in respect of loss or damage consisting of depreciation of the value of that interest ;

any reference to recording is a reference to recording in the appropriate Register of Sasines under section 29 (1) or under section 41 of the Town and Country Planning (Scotland) Act 1954, or under the provisions of the said section 29 (1) as applied by section 48 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 section 20 (1) of the Town and Country Planning (Scotland) Act 1947, means the provisions of regulations made under that Act with respect to claims for compensation under that subsection.

20.—(1) Subject to the provisions contained in section 32 of this Act relating to increased compensation in cases falling under section 31 of this Act, the aggregate amount of the consideration payable under section 108 of the Lands Clauses Consolidation (Scotland) Act 1845 in respect of the discharge from all relevant prestations of land the *dominium utile* in which has been acquired (whether compulsorily or by agreement) by an authority possessing compulsory purchase powers, shall be an amount equal to the difference between—

Consideration in respect of discharge of feu-duty, etc.

(a) the amount of the compensation payable in respect of the acquisition of the *dominium utile* in the land, and

(b) the amount of the compensation which would have been so payable if the land had not been subject to any relevant prestation.

(2) Any reference in this section to a “relevant prestation” is a reference to any feu-duty, or ground annual or other annual or recurring payment or incumbrance (or any portion thereof), to which the said section 108 applies (not being stipend or standard charge in lieu of stipend).

PART III

(3) Where the *dominium utile* has been acquired by agreement it shall be assumed for the purpose of estimating the amounts referred to in subsections (1) (a) and (1) (b) of this section that it was acquired compulsorily in pursuance of a notice to treat served on the date of the making of the agreement.

(4) If the land is subject to only one relevant prestation the amount of the consideration in respect of the discharge of the land from that prestation shall be equal to the aggregate amount of the consideration.

(5) If the land is subject to two or more relevant prestations the market value of each such prestation immediately before the service of the notice to treat or, as the case may be, the making of the agreement, shall be estimated and the aggregate amount of the consideration shall be attributed to the discharge of the land from the relevant prestations in order of priority, so however that so much thereof as is attributed to the discharge of the land from any prestation shall (without prejudice to the next following subsection) not exceed the value, estimated as aforesaid, of that prestation.

(6) If, after giving effect to the provisions of the last preceding subsection in any case to which they apply, there remains an unattributed balance of the aggregate amount of the consideration, the amounts attributed in accordance with those provisions shall be increased proportionately so as to extinguish the balance.

(7) Subject to the next following subsection references in this section to the compensation payable in respect of the acquisition of the *dominium utile* in any land shall be construed as references to such compensation exclusive of any compensation for disturbance or for severance or injurious affection.

(8) In relation to the acquisition of the *dominium utile* in any land to which Rule (5) of section 12 of this Act applies, references in this section to the compensation payable in respect of the acquisition shall be construed as references to the compensation (exclusive of any compensation for disturbance or for severance or injurious affection) which would have been so payable if the said Rule (5) had not applied.

War-damaged
land.

21.—(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 section 20 (2) (b) 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 12 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.

Assumptions as to planning permission

22.—(1) For the purpose of assessing compensation in respect of any compulsory acquisition, such one or more of the assumptions mentioned in sections 23 and 24 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 IV of this Act.

(4) For the purposes of any reference in this section, or in section 23 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.

PART III
Assumptions
not directly
derived from
development
plans.

23.—(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 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 Schedule 3 to the Town and Country Planning (Scotland) 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 Schedule 3, 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 18 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 18 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 24 of the said Act of 1947, in

PART III

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 25 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 IV 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.

24.—(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

PART III

(b) is development for which planning permission might reasonably have been expected to be granted in respect of the relevant land or that part thereof, as the case may be.

(4) If the relevant land or any part thereof is land subject to comprehensive development, it shall be assumed that planning permission would be granted, in respect of the relevant land or that part thereof, as the case may be, for any development for the purposes of a use of the relevant land or that part thereof falling within the planned range of uses (whether it is the use which, in accordance with the particulars and proposals comprised in the current development plan in relation to the area in question, is indicated in the plan as the proposed use of the relevant land or that part thereof, or is any other use falling within the planned range of uses) being development for which, in the circumstances specified in the next following subsection, planning permission might reasonably have been expected to be granted in respect of the relevant land or that part thereof, as the case may be.

(5) The circumstances referred to in the last preceding subsection are those which would have existed if—

- (a) the area in question had not been defined in the current development plan as an area of comprehensive development, and no particulars or proposals relating to any land in that area had been comprised in the plan, and
- (b) in a case where, on the date of service of the notice to treat, land in that area has already been developed in the course of the development or redevelopment of the area in accordance with the plan, no land in that area had been so developed on or before that date ;

and in that subsection “ the planned range of uses ” means the range of uses which, in accordance with the particulars and proposals comprised in the current development plan in relation to the area in question, are indicated in the plan as proposed uses of land in that area.

(6) Where in accordance with any of the preceding subsections it is to be assumed that planning permission would be granted as therein mentioned—

- (a) the assumption shall be that planning permission would be so granted subject to such conditions (if any) as, in the circumstances mentioned in the subsection in 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.

PART III

(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.

(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 IV

CERTIFICATION BY PLANNING AUTHORITIES OF APPROPRIATE ALTERNATIVE DEVELOPMENT

25.—(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 official arbiter 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 official arbiter.

PART IV

(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.

(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 subsection (3) (b) of this section, issue to the applicant a certificate stating that, in the opinion of the local planning authority in respect of the land in question, either—

- (a) 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) 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 subsection (4) (a) 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.

(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 subsection (1) (a) or subsection (1) (b) 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 either 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.

26.—(1) Where the local planning authority have issued a certificate under section 25 of this Act in respect of an interest in land,—

Appeals
against
certificates
under s. 25.

(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 Secretary of State against that certificate.

(2) On any appeal under this section against a certificate the Secretary of State shall consider the matters to which the certificate relates as if the application for a certificate under section 25 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 Secretary of State shall, if any such person or authority as is mentioned in subsection (1) (a) or subsection (1) (b) 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 Secretary of State for the purpose.

(4) Where an application is made for a certificate under section 25 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 directly concerned and the local planning authority, at the end of that period) no certificate has been issued by the local planning authority in accordance with that section, the preceding provisions of this section shall apply as if the local planning authority had issued such a certificate containing such a statement as is mentioned in subsection (4) (b) of that section.

PART IV
Extension of
ss. 25 and 26
to special
cases.

27.—(1) Where an interest in land is proposed to be acquired in the circumstances mentioned in section 25 (1) of this Act, and, by reason that the person entitled to the interest is absent from the United Kingdom or cannot be found, the compensation payable in respect of the interest falls to be determined by the valuation of a valuator under section 56 of the Land Clauses Consolidation (Scotland) Act 1845, the valuator, before carrying out his valuation, may apply to the local planning authority for a certificate under section 25 of this Act; and the provisions of that section and of section 26 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 the said section 25 (1).

(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 valuator, the authority shall serve copies of the certificate on both the parties directly concerned.

(3) Where an interest in land is proposed to be acquired in the circumstances mentioned in the said section 25 (1), and that interest is the *dominium utile* of the land, an application to the local planning authority for a certificate under that section may be made by any person entitled to any feu-duty or ground annual or other annual or recurring payment or incumbrance out of the land (not being stipend or standard charge in lieu of stipend) in the like circumstances and in the like manner as such an application may be made by the person entitled to the interest.

(4) Where, in pursuance of an application made by virtue of the last preceding subsection, the local planning authority issue a certificate to the applicant, the authority shall serve copies of the certificate on both the parties directly concerned.

(5) An application for a certificate made by virtue of subsection (1) or subsection (3) of this section shall specify the matters referred to in section 25 (3) (a) of this Act, 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 subsection (3) (b) of that section 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.

(6) Where a certificate has been issued in pursuance of an application made by virtue of subsection (3) of this section, or in a case where an application for a certificate could have been made thereunder, the provisions of section 26 of this Act shall apply as if any reference to the person entitled to the interest

in question, or to the parties directly concerned, included a reference to the person who made or could have made that application as the case may be.

28. The provisions which may be made by a development order shall include provision for regulating the manner in which applications under section 25 or 27 of this Act and appeals under section 26 of this Act are to be made and dealt with respectively, and other procedural matters ancillary to such applications and appeals, and in particular—

Power to prescribe matters relevant to Part IV.

- (a) for prescribing (subject to the provisions of section 25 (4) 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 26 of this Act are to be given, and the time for giving any such notice ;
- (c) for requiring local planning authorities to furnish the Secretary of State, and such other persons (if any) as may be prescribed by or under the order, with such information as may be so prescribed with respect to applications under the said section 25 or the said section 27, 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 25 ;
- (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 25, to supply a copy of those requirements (or of so much thereof as is relevant to the certificate) with each copy of the certificate, unless, before the certificate is issued, the requirements in question have been made available to the public in such manner as may be specified in the development order ;
- (e) for requiring an authority possessing compulsory purchase powers who—
 - (i) propose to acquire the *dominium utile* of any land (where the land or part thereof does not consist or form part of any such area as is mentioned in section 25 (1) (a) or section 25 (1) (b) of this Act), and
 - (ii) also propose to require the discharge of the land from any such feu-duty or incumbance as is mentioned in section 27 (3) of this Act,
 to serve. at such time as may be specified in the order.

PART IV

notice of the proposals on the person entitled to the feu-duty or incumbrance ;

- (f) for requiring an authority possessing compulsory purchase powers, when serving a notice to treat in relation to, or purchasing, the *dominium utile* of any land (where the land or part thereof does not consist or form part of any such area as is mentioned in section 25 (1) (a) or section 25 (1) (b) of this Act) to give notice of the fact that they have done so to such persons as may be prescribed in the order, being persons who might be entitled to apply under section 26 (3) of this Act for a certificate relating to the land.

Proceedings for challenging validity of decision on appeal under s. 26.

29.—(1) If any person aggrieved by a decision of the Secretary of State under section 26 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 Court of Session, and the Court of Session—

- (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 26 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 Secretary of State to give a decision on an appeal under section 26 of this Act.

Interpretation of Part IV.

30.—(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.

(2) For the purposes of sections 25 and 26 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, either by an Act or by any Standing Order of either House of Parliament relating to petitions for private bills, has been published or served in accordance with that Act or Order; or

PART IV

- (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 section 25 (1) or under section 27 of this Act, any reference in the said section 25 (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 Secretary of State 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 subsection (2) (b) 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 V

COMPENSATION IN CERTAIN CASES OF DEVELOPMENT AFTER ACQUISITION

31.—(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

Compensation
for new
planning
permission
granted after
acquisition
of land.

PART V

- (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 subsection (1) (b) 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 subsection (1) (a) of this section 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 section 4 (1) (a) 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 section 6 (4) of the New Towns Act 1946 (whereby a development corporation can be required to purchase an interest in land in a new town); or
- (d) to land acquired by a local authority, whether compulsorily or by agreement, where on the relevant date the land consisted or formed part of an area to which a town development scheme under Part II of the Housing and Town Development (Scotland) Act 1957 related.

(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.

(5) The provisions of Parts I and III of Schedule 3 to this Act shall have effect for the purposes of this section.

32.—(1) In calculating for the purposes of subsection (1) (a) of section 20 of this Act (which relates to the consideration payable for the discharge of land from feu-duty and incumbrances) the amount of the compensation payable in respect of the acquisition or sale of the *dominium utile* in any land, that amount shall be increased by an amount equal to the compensation, if any, which would be payable under the last preceding section in respect of that acquisition or sale if subsection (5) of that section were disregarded.

Consideration for discharge of feu-duty, etc., in cases falling under s. 31.

(2) In calculating for the purposes of subsection 1 (b) of the said section 20 the amount of the compensation which would have been so payable in accordance with that subsection, that amount shall be increased by an amount equal to the compensation, if any, which would have been payable under the last preceding section in respect of that acquisition or sale if the land had not been subject to any relevant prestation (as construed in the said section 20) and subsection (5) of the last preceding section were disregarded.

(3) Where in respect of an acquisition or sale such as is mentioned in section 31 (1) (a) of this Act any consideration has been paid in accordance with the said section 20, and a planning decision relating to the land in question is made thereafter in the circumstances mentioned in the said section 31 (1) (a), the person who has received the consideration shall, on a claim duly made by him, be entitled to receive from the acquiring authority an amount (in this and the next following subsection referred to as "additional consideration") equal to the difference between—

- (a) the amount of the consideration he has received, and
- (b) the amount of the consideration he would have received if that planning decision had been made before the date when the consideration which he has received was determined and the permission thereby granted had been in force before that date,

if the last mentioned amount is greater than the amount mentioned in paragraph (a) of this subsection.

(4) If in accordance with the last preceding subsection a person would be entitled to additional consideration in respect of an acquisition or sale, but before the planning decision in

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question that person has died, or any other act or event has occurred whereby the right to the additional consideration, if vested in him immediately before that act or event, would thereupon have vested in some other person, the right to the additional consideration shall be treated as having devolved as if that right had been vested in him immediately before his death or immediately before that act or event, as the case may be, and the additional consideration shall be payable to the persons claiming under him accordingly.

(5) The provisions of Parts II and III of Schedule 3 to this Act shall have effect for the purposes of this section.

Provisions
as to claims
under ss.
31 and 32.

33.—(1) For the purpose of facilitating the making of claims for compensation under section 31 of this Act—

- (a) the person entitled to receive the compensation or purchase price in respect of such an acquisition or sale as is mentioned in subsection (1) (a) 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 to an acquiring authority an address for service under this section, a planning decision is made in the circumstances mentioned in section 31 (1) of this Act, the acquiring authority shall give notice of the decision in the prescribed form to that person at that address; but the acquiring authority need not give notice of the decision to the person mentioned in paragraph (a) of the preceding subsection after an address for service has been given to them by such a person as is mentioned in paragraph (b) of that subsection, if they have reasonable grounds for believing that the former person is dead or that any other act or event has occurred as mentioned in section 31 (4) of this Act.

(3) A claim for compensation under section 31 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.

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The references in this subsection to an appeal against a planning decision include an appeal made by virtue of section 14 (3) of the Town and Country Planning (Scotland) Act 1947.

(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 section 31 (1) (a) of this Act, cease to be entitled to an interest in the whole or part of the land comprised in the acquisition or sale, without remaining or becoming entitled to the *dominium utile*, or a tenancy, of that land or that part thereof, as the case may be, they shall notify the local planning authority; and thereafter it shall be the duty of the local planning authority to give notice to the acquiring authority of any planning decision 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 or, as the case may be, Part II of this Act shall (so far as applicable) apply in relation to the assessment of compensation under section 31 of this Act as they apply in relation to the assessment of compensation in respect of the compulsory acquisition of an interest in land.

(7) The preceding provisions of this section, except subsection (6), shall apply to claims for additional consideration such as is mentioned in section 32 (3) of this Act as they apply to claims for compensation payable under section 31 of this Act, with the substitution—

(a) for any reference to the person entitled to receive the compensation or purchase price in respect of such an acquisition or sale as is mentioned in section 31 (1) (a) of this Act, of a reference to any person who has received consideration in accordance with section 20 (1) of this Act in respect of such an acquisition or sale,

(b) for any reference to compensation under the said section 31, of a reference to additional consideration as aforesaid, and

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(c) for any reference to section 31 (4) of this Act, of a reference to section 32 (4) of this Act.

Extension of
ss. 31, 32 and
33 to planning
permission
where no
planning
decision made.

34.—(1) The provisions of sections 31, 32 and 33 of this Act (except subsection (2) of the said section 33) 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,—

- (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 31, 32 and 33 of this Act (except subsection (2) of the said section 33) shall have effect in relation to any planning permission which is granted for any development by virtue of a development order, as if—

- (a) a planning decision granting that permission had been made at the time of the occurrence of the event in consequence of which (in accordance with the provisions of the order) the development is deemed to be sanctioned by a government department, or
- (b) in a case not falling within the preceding paragraph, such a planning decision had been made at the time when the development is initiated.

(3) Where the provisions of sections 31 and 32 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 section 33 (1) 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 section 33 (1) (a) 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 section 33 (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 section 31 (4) of this Act.

(5) Any reference in this section to section 33 (1) of this Act shall include a reference to that subsection as extended by subsection (7) thereof, and any reference in this section to section 31 (4) of this Act shall accordingly include a reference to section 32 (4) of this Act.

35.—(1) Where—

Extension of
ss. 31, 32
and 33
to Crown
development.

(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 31, 32 and 33 of this Act (except subsection (2) of the said section 33) shall apply as if a planning decision granting permission for that development had been made at the time when the additional development is so initiated.

(2) The said circumstances are either or both of the following, that is to say—

(a) that the development is initiated by or on behalf of the Crown ;

(b) that there is a Crown interest in the land and the development is initiated in right of that interest.

(3) Subject to subsection (4) of this section, sections 34 (3) and 34 (4) of this Act shall apply where the provisions of sections 31 and 32 of this Act have effect as applied by subsection (1) of this section as they apply where those provisions have effect as applied by section 34 (1) or section 34 (2) of this Act.

(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

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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 interest" means an interest belonging to Her Majesty in right of the Crown, or belonging to a government department, or held in trust for Her Majesty for the purposes of a government department.

Regulations for purposes of Part V.

36.—(1) The Secretary of State 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.

(2) Any statutory instrument containing such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Interpretation of Part V.

37.—(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 section 23 or section 24 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 any county council, town council or district council, or any other authority within the meaning of the Local Authorities Loans (Scotland) Act 1891, and includes any joint board or joint committee of which all the constituent authorities are such local authorities as aforesaid;

PART V

“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—

- (a) either unconditionally or subject to conditions, and
- (b) either in respect of that land taken by itself or in respect of an area including that land, and
- (c) either on an ordinary application or on an outline application,

and any reference to an area defined in a development plan is a reference to an area defined in such a plan in the form in which (whether as originally approved or made by the Secretary of State or as subsequently amended) that plan was in force on the relevant date.

PART VI

MISCELLANEOUS AND GENERAL

38.—(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) Where any interest in land is acquired or sold as aforesaid and the land is used for the purposes of agriculture (within the meaning of section 113 (1) of the Town and Country Planning (Scotland) Act 1947) by way of a trade or business, the acquiring authority may pay to any person carrying on that trade or business who is displaced from the land such reasonable

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allowance as they think fit towards his removal expenses and the loss which, in their opinion, he will sustain by reason of the resulting disturbance of his trade or business.

(3) In estimating the loss of any person for the purposes of subsection (1) (b) or subsection (2) of this section, the authority shall have regard to the period for which the premises or, as the case may be, land 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 or, as the case may be, land suitable for that purpose.

(4) The operation of any provision of this section enabling an allowance to be paid shall not prejudice the operation of—

(a) any other such provision of this section, or

(b) any enactment authorising the making of payments to or in respect of persons displaced or otherwise affected by acquisitions by authorities possessing compulsory purchase powers or persons otherwise displaced from any land.

Withdrawal
of notices to
treat.

39.—(1) Where a claimant has delivered such a notice as is mentioned in section 5 (1) (b) or section 11 (1) (b) 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.

(2) Where a claimant has failed to deliver a notice as required by the said section 5 (1) (b) or the said section 11 (1) (b), the acquiring authority may, at any time after the decision of the official arbiter 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 official arbiter, 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 official arbiter.

(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. PART VI

(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 official arbiter 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.

40.—(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 84 of the Lands Clauses Consolidation (Scotland) Act 1845) be such rate as may from time to time be prescribed by regulations made by the Treasury. Rate of interest after entry on land.

(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.

41. 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. Application of Act to Crown.

42. The official arbiter 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.

43.—(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.

44. Section 100 of the Town and Country Planning (Scotland) Act 1947 (which authorises the Secretary of State to hold local inquiries for the purposes of that Act) and section 101 of that Act (which relates to the service of notices) shall apply for the purposes of this Act. Provisions as to inquiries and service of notices.

45.—(1) In this Act, except where the context otherwise requires,— Interpretation.

“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

PART VI

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 :

Provided that in relation to any such transaction to which an executive council or a joint committee constituted by virtue of section 32 of the National Health Service (Scotland) Act 1947 are a party in the exercise of their statutory functions, the said expression shall be construed as including that council or joint committee ;

- “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 Secretary of State or as for the time being amended) that plan is in force on the date of service of the notice to treat ;
- “development” has the meaning assigned to it by section 10 of the Town and Country Planning (Scotland) Act 1947, and “develop” shall be construed accordingly ;
- “development order” means an order under section 11 (1) of the Town and Country Planning (Scotland) Act 1947 ;
- “development plan” has the meaning assigned to it by section 3 of the Town and Country Planning (Scotland) 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, including an order or scheme confirmed by Parliament ;
- “land” includes land covered with water and any building as defined by this section, and includes any interest or right in or over land ;
- “local enactment” means a 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 2 of the Town and Country Planning (Scotland) Act 1947 ;
- “outline application” means an application for planning permission subject to subsequent approval on any matters ;

“owner”, in relation to any land, includes any person who under the Lands Clauses Acts would be enabled to sell and convey the land to the promoters of an undertaking ;

“planning decision” means a decision made on an application under Part II of the Town and Country Planning (Scotland) Act 1947 ;

“planning permission” means permission under Part II of the Town and Country Planning (Scotland) 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.

(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.

(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 Secretary of State on the appeal ;

(c) in relation to a decision given on an appeal made by virtue of section 14 (3) of the Town and Country Planning (Scotland) 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 section 14 (3) of the Town and Country Planning (Scotland) Act 1947 the notification of a decision by the local planning authority is deemed to have been given.

(4) References in this Act to the local planning authority in relation to any land are references to the local planning authority for the district in which the land is situated.

PART VI

(5) For the purposes of this Act, a person entitled to two interests in land shall be taken to be entitled to them in the same capacity if, but only if, he is entitled—

- (a) to both of them beneficially, or
- (b) to both of them as trustee of one particular trust, or
- (c) to both of them as personal representative of one particular person ;

and in this subsection “ trustee ” has the same meaning as in the Trusts (Scotland) Act 1921.

(6) 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.

(7) 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.

(8) Any reference in this Act to the *dominium utile* in relation to land which is not held on feudal tenure shall be construed as a reference to the interest in the land of the owner thereof.

(9) In this Act any reference to a sale or purchase includes a reference to a sale or purchase by way of feu, and any reference to the price in relation to a sale or purchase includes a reference to grassum, feu-duty and ground annual.

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

Amendment of s. 1 (6) of the Lands Tribunal Act 1949.

46. In section 1 (6) of the Lands Tribunal Act 1949, for the words “ an authority to whom the Acquisition of Land Act applies ” there shall be substituted the words “ any person ”.

Consequential amendments, repeals, and transitional provisions.

47.—(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.

(2) Without prejudice to the generality of subsection (1) of this section, any enactment excluding the power conferred by section 5 (2) 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 39 of this Act.

(3) The enactments specified in Schedule 4 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 38 of the Interpretation Act 1889 (which relates to the effect of repeals).

(5) Any regulations made under section 54 (2) of the Town and Country Planning (Scotland) Act 1947 or made under section 52 of the Town and Country Planning (Scotland) Act 1959 for the purposes of section 20 or section 21 of that Act shall have effect respectively as if made under section 40 or section 36 of this Act.

48. 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.

Saving for transactions before commencement of Act.

49.—(1) This Act may be cited as the Land Compensation (Scotland) Act 1963.

Short title, commencement and extent.

(2) This Act (except Part II thereof) shall come into operation on 1st January, 1964 ; and Part II of this Act shall come into operation on the day appointed by Her Majesty by Order in Council under section 10 (2) of the Lands Tribunal Act 1949 for the coming into force in Scotland of sections 1 to 4 of that Act.

Any reference in this Act to the commencement of this Act shall be construed as a reference to the date on which this Act (except Part II thereof) comes into operation.

(3) As from the coming into operation of Part II of this Act,—

- (a) Part I of this Act shall cease to have effect without prejudice however to the operation of the said Part I in cases where a decision has been given before the coming into operation of the said Part II, so far as relates to appeals, cases stated, expenses or fees ; and
- (b) for any reference in this Act to an official arbiter there shall be substituted a reference to the Lands Tribunal for Scotland or, as the case may require, a member of that Tribunal.

(4) This Act shall extend to Scotland only.

SCHEDULES

SCHEDULE 1

Sections 13 and 14.

ACTUAL OR PROSPECTIVE DEVELOPMENT RELEVANT FOR PURPOSES OF SECTIONS 13 & 14

DESCRIPTION OF DEVELOPMENT

<i>Case</i>	<i>Development</i>
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 to which a town development scheme under Part II of the Housing and Town Development (Scotland) Act 1957 relates, being a scheme which is in operation on the date of service of the notice to treat.	Development of any land in that area, other than the relevant land, in the course of the execution of the scheme.

Section 17.

SCHEDULE 2

ACQUISITION OF HOUSES AS BEING UNFIT FOR HUMAN HABITATION

- 1.—(1) The provisions of this paragraph shall have effect in relation to any compulsory acquisition, being—
- (a) an acquisition under Part III of the Town and Country Planning (Scotland) Act 1947, or
 - (b) an acquisition under section 13 of the Housing and Town Development (Scotland) Act 1957, or

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- (c) an acquisition in pursuance of Part IV of the Town and Country Planning (Scotland) Act 1959, or
- (d) an acquisition of land within the area designated by an order under section 1 of the New Towns Act 1946 as the site of a new town, or
- (e) an acquisition by a development corporation or a local highway authority or the Secretary of State under the New Towns Act 1946 or under any enactment as applied by any provision of that Act,

and being (in any such case) an acquisition where the land in question comprises a house which, in the opinion of an appropriate local authority, is unfit for human habitation and not capable at reasonable expense of being rendered fit for human habitation.

(2) The local authority may make and submit to the Secretary of State an order, in such form as may be prescribed by regulations made under section 172 of the Act of 1950, declaring the house to be in the state referred to in the preceding sub-paragraph; and if—

- (a) that order is confirmed by the Secretary of State, either before or concurrently with the confirmation of a compulsory purchase order for the acquisition of the land, or
- (b) in a case where the acquisition is in pursuance of a notice to treat deemed to have been served in consequence of the service of a notice under section 17 of the Town and Country Planning (Scotland) 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 section 6 (4) of the New Towns Act 1946 or under Part IV of the Town and Country Planning (Scotland) 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 Secretary of State,

the provisions of section 36 (2) of the Act of 1950, and the provisions of section 40 of that Act as read with section 20 of the Housing and Town Development (Scotland) Act 1957 (which relate to certain payments in respect of houses purchased or demolished under the Act of 1950) shall apply as if the house had been purchased under Part III of the Act of 1950 as being in the state referred to in the preceding sub-paragraph, and as if any reference in those sections to the local authority were a reference to the acquiring authority.

(3) Before submitting to the Secretary of State an order under this paragraph, the local authority by whom the order was made shall serve on every owner, and (so far as it is reasonably practicable to ascertain such persons) on the superior of, and the holder of every heritable security over, the land or any part thereof, a notice in such form as may be prescribed as mentioned in the last preceding sub-paragraph, stating the effect of the order and that it is about to be submitted to the Secretary of State for confirmation, and specifying the time within which, and the manner in which, objection thereto can be made.

2 X

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(4) If no objection is duly made by any of the persons on whom notices are required to be served, or if all objections so made are withdrawn, the Secretary of State may, if he thinks fit, confirm the order; but in any other case he shall, before confirming the order, consider any objection not withdrawn, and shall, if either the person by whom the objection was made or the local authority so desires, afford to that person and the authority an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(5) Section 24 of the Housing (Scotland) Act 1962 shall have effect in determining for the purposes of this paragraph whether a house is unfit for human habitation as it has effect in so determining for the purposes of the Act of 1950.

(6) In this paragraph "appropriate local authority" means a local authority who, in relation to the area in which the land in question is situated, are a local authority for the purposes of the provisions of Part III of the Act of 1950 relating to clearance areas; and "owner," in relation to any land, includes any person who under the Lands Clauses Acts would be enabled to sell and convey the land to the promoters of an undertaking and includes also a lessee under a lease the unexpired period of which exceeds three years.

2.—(1) Where in relation to a compulsory acquisition any of the provisions of the Act of 1950 as to site value apply (whether by virtue of that Act or of an order under paragraph 1 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) Subject to the next following sub-paragraph, 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 annual value of the dwelling.

(3) Where a payment falls to be made under section 40 of the Act of 1950 to the person entitled to the relevant interest, and that payment is attributable to the relevant house, any reference in the last preceding sub-paragraph to the amount of the compensation payable in respect of the acquisition of the relevant interest shall be construed as a reference to the aggregate of that amount and of the amount of the payment.

(4) For the purposes of this paragraph the gross annual value of the dwelling shall be determined as follows:—

- (a) if the dwelling constitutes the whole of the relevant house, the gross annual value of the dwelling shall be taken to be the value which, on the date of service of the notice to treat, is shown in the valuation roll then in force as the gross annual value of that house for rating purposes;
- (b) if the dwelling is only part of the relevant house, an apportionment shall be made of the gross annual value of the relevant house for rating purposes, as shown in the valuation roll in force on the date of service of the notice to treat, and the gross annual value of the dwelling shall be taken to be the amount which, on such an apportionment, is properly attributable to the dwelling.

(5) Any reference in this paragraph to the compensation payable in respect of the acquisition of the relevant interest shall be construed as excluding so much (if any) of that compensation as is attributable to disturbance or to severance or injurious affection.

(6) Nothing in this paragraph shall affect the amount which is to be taken for the purposes of section 20 of this Act (which relates to the consideration payable for the discharge of land from feu-duty and incumbrances) as the amount of the compensation payable in respect of the acquisition of the relevant interest.

3.—(1) Where, in the case of any compulsory acquisition,—

- (a) any of the provisions of the Act of 1950 as to site value apply (whether by virtue of that Act or of any order under paragraph 1 of this Schedule); and
- (b) the relevant land consists of or includes a hereditament, or part of a hereditament, which has sustained war damage, and any of that damage has not been made good at the date of service of the notice to treat,

there shall be added to the compensation which, apart from this paragraph, would be payable in respect of the acquisition an amount calculated in accordance with 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.

(3) In this paragraph “hereditament” has the same meaning as in the War Damage Act 1943.

4.—(1) Where a local authority have before the commencement of this Act made and submitted to the Secretary of State an order under paragraph 1 of Schedule 2 to the Town and Country Planning (Scotland) Act 1959 (which contains provisions similar to those of paragraph 1 of this Schedule), but the Secretary of State has not

SCH. 2 confirmed that order before the commencement of this Act, sub-paragraphs (2), (4) and (5) of paragraph 1 of this Schedule shall apply in relation to that order as if—

- (a) the order had been made under paragraph 1 of this Schedule, and
- (b) the reference in sub-paragraph (4) of paragraph 1 of this Schedule to persons on whom notices are required to be served were a reference to persons on whom notices are required to be served under sub-paragraph (3) of paragraph 1 of Schedule 2 to the said Act of 1959.

(2) Any reference in paragraph 2 or paragraph 3 to this Schedule to an order under paragraph 1 thereof shall be construed as including a reference to an order—

- (a) made and confirmed under paragraph 1 of Schedule 2 to the said Act of 1959, or
- (b) made under the said paragraph 1 and confirmed under the provisions of paragraph 1 of this Schedule applied by sub-paragraph (1) of this paragraph.

5.—(1) In this Schedule “Act of 1950” means the Housing (Scotland) Act 1950; and “house” has the meaning assigned to it by section 184 of the Act of 1950.

(2) Any reference in this Schedule to the provisions of the Act of 1950 as to site value is a reference to the following provisions of that Act, that is to say, sections 12 (2), 17 (4) and 36 (2) (which relate respectively to the compensation to be paid on the compulsory acquisition of closed houses, of houses subject to notices relating to the execution of works, and of houses unfit for human habitation).

Sections 31
and 32.

SCHEDULE 3

APPLICATION OF PART V TO CERTAIN CASES

PART I

Disturbance, severance and injurious affection

1. Subject to paragraph 2 of this Schedule, any reference in section 31 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 31—

- (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 31 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.

SCH. 3

Increase in value of contiguous or adjacent land

3. In determining for the purposes of the said section 31 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 14 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 31 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.

Land subject to a heritable security

4. Subject to the provisions of this Schedule relating to land subject to a trust, where, in a case falling within section 31 (1) of this Act, the interest in land which was acquired or sold was subject to a heritable security, any reference (however expressed) in section 31 or section 33 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 heritable security, was entitled to that interest, and not as a reference to the heritable creditor.

5. For the purposes of the application of section 31 of this Act, and of the provisions of this Schedule other than this paragraph, to a case falling within the last preceding paragraph, any reference to the principal amount of the compensation which was 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 heritable security.

6. No compensation shall be payable by virtue of section 31 of this Act in respect of a compulsory acquisition or sale by agreement, where the interest acquired or sold was the interest of a heritable creditor (as distinct from an interest subject to a heritable security).

Land subject to a trust

7.—(1) Where, in a case falling within section 31 (1) of this Act, the interest in land which was acquired or sold was subject to a

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trust, and accordingly the compensation or purchase price was payable to the trustees of that trust, any reference (however expressed) in section 31 or section 33 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 trust.

(2) Where the preceding sub-paragraph applies, section 31 (4) of this Act shall not apply.

(3) Any compensation paid to the trustees of a trust by virtue of section 31 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.

PART II

8.—(1) Where in a case falling within section 32 (3) of this Act the consideration in accordance with section 20 (1) of this Act was paid to the trustees of a trust, any reference in the said section 32 (3), or in section 33 (7) of this Act, to the person who has received the consideration shall be construed as a reference to the trustees for the time being of the trust.

(2) Where the preceding sub-paragraph applies, section 32 (4) of this Act shall not apply.

(3) Any additional consideration paid to the trustees of a trust by virtue of section 32 of this Act shall be applicable by the trustees as if it were consideration received by them in accordance with section 20 of this Act.

PART III

9. In this Schedule "the relevant date" has the same meaning as in Part V of this Act, and "trust" has the same meaning as in the Trusts (Scotland) Act 1921.

10. References in this Schedule to sections 31, 32 and 33 of this Act include references to those sections as applied by section 34 or section 35 of this Act, and references to the time of any planning decision shall be construed accordingly.

Section 47.

SCHEDULE 4

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.
21 & 22 Geo. 5. c. 11.	The Acquisition of Land (Assessment of Compensation) (Scotland) Act 1931.	The whole Act.

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Session and Chapter	Short Title	Extent of Repeal
2 & 3 Geo. 6. c. 22.	The Camps Act 1939 ...	Section 2 (5).
8 & 9 Geo. 6. c. 33.	The Town and Country Planning (Scotland) Act 1945.	In Schedule 5 as applied by the New Towns Act 1946, paragraph 8.
9 & 10 Geo. 6. c. 68.	The New Towns Act 1946.	Section 4 (7). In Schedule 5, the entry relating to paragraph 8 of Schedule 5 to the Town and Country Planning (Scotland) Act 1945.
10 & 11 Geo. 6. c. 53.	The Town and Country Planning (Scotland) Act 1947.	Sections 47, 51, 53, 54 and 112 (2). Schedule 7.
12, 13 & 14 Geo. 6. c. 42.	The Lands Tribunal Act 1949.	In section 1 (3) (b), the words from "and is" to the end of the paragraph; in section 1 (4), the words from "including the power" to the end of the subsection; and section 1 (7). Section 3 (7). Section 5. In section 7 (1), the words "and is not contained in the Acquisition of Land Act". Schedule 1.
12, 13 & 14 Geo. 6. c. 84.	The War Damaged Sites Act 1949.	In section 8 (1), 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. Section 8 (2).
12, 13 & 14 Geo. 6. c. 97.	The National Parks and Access to the Countryside Act 1949.	Section 103 (3).
1 & 2 Eliz. 2. c. 16.	The Town and Country Planning Act 1953.	Section 3 (1).
2 & 3 Eliz. 2. c. 73.	The Town and Country Planning (Scotland) Act 1954.	In section 31 (1), the words from "by a government" to the end of the subsection. Section 62.

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Session and Chapter	Short Title	Extent of Repeal
7 & 8 Eliz. 2. c. 70.	The Town and Country Planning (Scotland) Act 1959.	Part I except sections 14 to 16. Section 31 (4) (f). Schedules 1 to 3. In Schedule 7, the entries relating to section 51 of the Town and Country Planning (Scotland) Act 1947 and section 62 (8) of the Town and Country Planning (Scotland) Act 1954.
1963, c. 11.	The Agriculture (Miscellaneous Provisions) Act 1963.	Section 22.

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Table of Statutes referred to in this Act

Short Title	Session and Chapter
Lands Clauses Consolidation (Scotland) Act 1845	8 & 9 Vict. c. 19.
Interpretation Act 1889	52 & 53 Vict. c. 63.
Local Authorities Loans (Scotland) Act 1891	54 & 55 Vict. c. 34.
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.
Trusts (Scotland) Act 1921	11 & 12 Geo. 5. c. 58.
Restriction of Ribbon Development Act 1935	25 & 26 Geo. 5. c. 47.
War Damage Act 1943	6 & 7 Geo. 6. c. 21.
Requisitioned Land and War Works Act 1945	8 & 9 Geo. 6. c. 43.
Statutory Instruments Act 1946	9 & 10 Geo. 6. c. 36.
New Towns Act 1946	9 & 10 Geo. 6. c. 68.
National Health Service (Scotland) Act 1947	10 & 11 Geo. 6. c. 27.
Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947	10 & 11 Geo. 6. c. 42.
Town and Country Planning (Scotland) Act 1947	10 & 11 Geo. 6. c. 53.
Consolidation of Enactments (Procedure) Act 1949	12, 13 & 14 Geo. 6. c. 33.
Lands Tribunal Act 1949	12, 13 & 14 Geo. 6. c. 42.
Housing (Scotland) Act 1950	14 Geo. 6. c. 34.
Town and Country Planning (Scotland) Act 1954	2 & 3 Eliz. 2. c. 73.
Housing and Town Development (Scotland) Act 1957	5 & 6 Eliz. 2. c. 38.
Land Powers (Defence) Act 1958	6 & 7 Eliz. 2. c. 30.
Tribunals and Inquiries Act 1958	6 & 7 Eliz. 2. c. 66.
Town and Country Planning (Scotland) Act 1959	7 & 8 Eliz. 2. c. 70.
Housing (Scotland) Act 1962	10 & 11 Eliz. 2. c. 28.

1963 CHAPTER 52

An Act to increase the penalties for offences under section 5 of the Public Order Act 1936 and section 1 of the Public Meeting Act 1908. [31st July 1963]

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 person guilty of an offence under section 5 of the Public Order Act 1936 (offensive words and behaviour in public places or at public meetings conducive to breach of the peace) or under section 1(1) of the Public Meeting Act 1908 (disorderly conduct designed to break up public meetings) shall be liable—
- (a) on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding £100, or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding twelve months or to a fine not exceeding £500, or to both.

(2) In section 7(2) of the said Act of 1936, for the words "any other offence under this Act" there shall be substituted the words "any offence under this Act other than an offence under section two or section five"; and in section 1(1) of the said Act of 1908 the words from "and shall" to the end are hereby repealed.

(3) This section does not apply to offences committed before the passing of this Act.

2.—(1) This Act may be cited as the Public Order Act 1963.

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

Short title
and extent.

1963 CHAPTER 53

An Act to amend the law relating to the protection of performers so as to enable effect to be given to a Convention entered into at Rome on 26th October 1961. [31st July 1963]

W HEREAS, with a view to the ratification by Her Majesty of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations entered into at Rome on 26th October 1961, it is expedient to amend and supplement the Dramatic and Musical Performers' Protection Act 1958 (in this Act referred to as "the principal Act"):

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:—

Performances to which principal Act applies.

1.—(1) The principal Act shall have effect as if for references therein to the performance of a dramatic or musical work there were substituted references to the performance of any actors, singers, musicians, dancers or other persons who act, sing, deliver, declaim, play in or otherwise perform literary, dramatic, musical or artistic works, and the definition contained in section 8 (1) of that Act of the expression "performance of a dramatic or musical work" (by which that expression is made to include a performance rendered or intended to be rendered audible by mechanical or electrical means) shall be construed accordingly.

(2) For the avoidance of doubt it is hereby declared that the principal Act applies as respects anything done in relation to a performance notwithstanding that the performance took place out of the United Kingdom, but this shall not cause anything done out of the United Kingdom to be treated as an offence.

Sales etc. of records made abroad.

2. For the purposes of paragraphs (b) and (c) of section 1 of the principal Act (by which sales of, and other dealings with, records made in contravention of the Act are rendered punishable), a record made in a country outside the United Kingdom directly or indirectly from or by means of a performance to which the principal Act applies shall, where the civil or criminal law of that country contains a provision for the protection of performers under which the consent of any person to the making of the record was required, be deemed to have been made in contravention of the principal Act if, whether knowingly or not, it was made without the consent so required and without the consent in writing of the performers.

Relaying of performances.

3.—(1) A person who, otherwise than by the use of a record or cinematograph film or the reception of a broadcast, knowingly causes a performance to which the principal Act applies, or any part of such a performance, to be transmitted without the consent in writing of the performers—

(a) to subscribers to a diffusion service; or

(b) over wires or other paths provided by a material substance so as to be seen or heard in public,

shall be guilty of an offence, and shall be liable, on summary conviction, to a fine not exceeding fifty pounds.

4 & 5 Eliz. 2
c. 74

(2) Section 48 (3) of the Copyright Act 1956 (which explains the meaning of references in that Act to the transmission of a work or other subject-matter to subscribers to a diffusion service) shall apply for the purposes of the preceding subsection as it applies for the purposes of that Act.

(3) Section 6 of the principal Act (which provides for special defences) shall have effect as if the preceding subsections were inserted immediately before that section, and that section and section 7 of the principal Act (which provides for the giving of consent on behalf of performers) shall have effect as if for the words " or broadcast " in each place where they occur there were substituted the words " broadcast or transmission ".

4.—(1) Where—

Giving of consent without authority.

- (a) a record, cinematograph film, broadcast or transmission is made with the consent in writing of a person who, at the time of giving the consent, represented that he was authorised by the performers to give it on their behalf when to his knowledge he was not so authorised, and
- (b) if proceedings were brought against the person to whom the consent was given, the consent would by virtue of section 7 of the principal Act afford a defence to those proceedings,

the person giving the consent shall be guilty of an offence, and shall be liable, on summary conviction, to a fine not exceeding fifty pounds.

(2) The said section 7 shall not apply to proceedings under this section.

5.—(1) This Act may be cited as the Performers' Protection Act 1963, and the principal Act and this Act may be cited together as the Performers' Protection Acts 1958 and 1963.

Citation, construction, commencement and extent.

(2) This Act shall be construed as one with the principal Act.

(3) This Act shall come into operation at the expiration of the period of one month beginning with the date of its passing, and shall apply only in relation to performances taking place after its commencement.

(4) It is hereby declared that this Act extends to Northern Ireland.



1963 CHAPTER 54*Kenya Independence Act 1963***ARRANGEMENT OF SECTIONS****Section**

1. Provision for fully responsible status of Kenya.
2. Consequential modifications of British Nationality Acts.
3. Persons retaining citizenship of United Kingdom and Colonies although becoming citizens of Kenya.
4. Consequential modification of other enactments.
5. Termination of assistance to East African Common Services Organisation.
6. Judicial Committee of Privy Council.
7. Divorce jurisdiction.
8. Interpretation.
9. Short title.

SCHEDULES:

Schedule 1—Legislative Powers in Kenya.

Schedule 2—Amendments not affecting the Law of Kenya.

An Act to make provision for, and in connection with, the attainment by Kenya of fully responsible status within the Commonwealth, including provision for terminating the giving of financial and other assistance to the East African Common Services Organisation under the Colonial Development and Welfare Act 1959.
[3rd December 1963]

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 fully
responsible
status of
Kenya.

1.—(1) On and after 12th December 1963 (in this Act referred to as "the appointed day") Her Majesty's Government in the United Kingdom shall have no responsibility for the government of Kenya or any part thereof.

(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 Kenya, or any part of Kenya, as part of the law thereof; and on and after that day the provisions of Schedule 1 to this Act shall have effect with respect to legislative powers in Kenya.

(3) In this Act "Kenya" includes the territories comprised immediately before the appointed day in the Kenya Protectorate.

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

Consequential
modifications
of British
Nationality
Acts.

- (a) in section 1(3) of the said Act of 1948 (which provides for persons to be British subjects or Commonwealth citizens by virtue of citizenship of certain countries) there were added at the end the words “ and Kenya ” ;
- (b) in Schedule 1 to the British Protectorates, Protected States and Protected Persons Order in Council 1949 the words “ Kenya 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 Kenya Protectorate shall not cease to be such a British protected person for any of those purposes by reason of anything in the foregoing provisions of this section, but shall so cease upon his becoming a citizen of Kenya under the law thereof.

(2) Save as provided by section 3 of this Act, any person who immediately before the appointed day is a citizen of the United Kingdom and Colonies shall on that day cease to be such a citizen if on that day he becomes a citizen of Kenya.

(3) On and after the appointed day, section 6(2) 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 on the appointed day ceases to be such a citizen under subsection (2) of this section, or would have done so if living on the appointed day.

(4) Part III of the British Nationality Act 1948 (which contains supplemental provisions) shall have effect for the purposes of the foregoing subsection and section 3 of this Act as if those provisions were included in that Act.

3.—(1) Any reference in subsection (2) or subsection (3) of this section to a colony, protectorate or protected state shall, subject to subsection (7) of this section, be construed as a reference to a territory which is a colony, protectorate or protected state (within the meaning of the British Nationality Act 1948) on the appointed day, and, accordingly, shall not include a reference to Kenya or any part thereof.

Persons
retaining citi-
zenship of
United
Kingdom and
Colonies
although
becoming
citizens of
Kenya.

(2) Subject to subsection (6) of this section, a person shall not cease to be a citizen of the United Kingdom and Colonies under section 2(2) of this Act if he, his father or his father's father—

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

- (b) is or was a person naturalised in the United Kingdom and Colonies ; or
- (c) was registered as a citizen of the United Kingdom and Colonies ; or
- (d) became a British subject by reason of the annexation of any territory included in a colony.

(3) A person shall not cease to be a citizen of the United Kingdom and Colonies under section 2(2) of this Act 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.

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

(5) Subject to subsection (6) of this section, the reference in subsection (2)(b) of this section to a person naturalised in the United Kingdom and Colonies shall include a person who would, if living immediately before the commencement of the British Nationality Act 1948, have become a person naturalised in the United Kingdom and Colonies by virtue of section 32(6) of that Act (which relates to persons given local naturalisation before that commencement in a colony or protectorate).

(6) Subsection (2) of this section shall not apply to a person by virtue of any certificate of naturalisation granted or registration effected by the governor or government of a territory outside the United Kingdom which is not a colony, protectorate or protected state (within the meaning of the said Act of 1948) on the appointed day.

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

Consequential
modification
of other
enactments.

4.—(1) Notwithstanding anything in the Interpretation Act 1889 the expression “colony” in any Act of Parliament of the United Kingdom passed on or after the appointed day shall not include Kenya or any part thereof.

(2) On and after the appointed day—

- (a) the expression “colony” in the Army Act 1955, the Air Force Act 1955 and the Naval Discipline Act 1957 shall not include Kenya or any part thereof ; and
- (b) in the definitions of “Commonwealth force” in sections 225(1) and 223(1) respectively of the said Acts of 1955, and in the definition of “Commonwealth country” in section 135(1) of the said Act of 1957, at the end there shall be added the words “or Kenya”.

(3) No Order in Council made after 31st December 1963 under section 1 of the Army and Air Force Act 1961 shall operate to continue either of the said Acts of 1955 in force as part of the law of Kenya or any part thereof.

(4) On and after the appointed day, the provisions specified in Schedule 2 to this Act shall have effect subject to the amendments respectively specified in that Schedule, 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 1 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 may, if made after the appointed day, be made so as to take effect on the appointed day.

(5) Subsection (4) of this section, Schedule 2 to this Act and any Order in Council made under the said subsection (4) shall not extend to Kenya, or any part of Kenya, as part of the law thereof.

5.—(1) Any scheme under section 1 of the Colonial Development and Welfare Act 1959 made with respect to the East African Common Services Organisation shall cease to have effect on the appointed day, without prejudice to the making of payments in pursuance of the scheme on or after that day in respect of any period falling before that day.

Termination
of assistance
to
East African
Common
Services
Organisation.

(2) No loan under section 2 of the said Act of 1959 shall be made on or after the appointed day to the said Organisation; and section 4(3) of the Tanganyika Independence Act 1961 and section 4 of the Uganda Independence Act 1962 (by virtue of which loans may be made to that Organisation under the said section 2) shall cease to have effect on the appointed day, without prejudice to anything done by virtue of the said sections 4(3) and 4, or either of them, before that day.

(3) In this section "the East African Common Services Organisation" means the organisation established under that name by an agreement made on 9th December 1961 between the Governments of Tanganyika, Kenya and Uganda.

6.—(1) Her Majesty may by Order in Council made before the appointed day confer on the Judicial Committee of the Privy Council such jurisdiction in respect of appeals from any court having jurisdiction under the law of Kenya or any part thereof, and in respect of any proceedings concerning judges of any such court, as appear to Her to be appropriate.

Judicial
Committee of
Privy Council.

(2) An Order in Council under this section may determine the classes of cases in which, and the conditions as to leave and otherwise subject to which, any such appeal or other proceedings may be entertained by the said Committee, and the practice and procedure to be followed in any such proceedings, and—

- (a) may confer on the said Committee any of the jurisdiction or powers possessed by any court under the law of Kenya,
- (b) may require that the decisions of the said Committee in exercise of any jurisdiction conferred under this section shall be enforced in the same way as decisions of any court having jurisdiction under the law of Kenya or any part thereof,
- (c) may exclude an appeal to Her Majesty in Council, whether as of right or by special leave, in all or any cases, and
- (d) may contain transitional provisions as respects appeals to Her Majesty in Council and other proceedings which are pending on the appointed day, and may contain such other incidental or supplemental provisions as appear to Her Majesty to be expedient.

(3) Except so far as otherwise provided by an Order in Council under this section, and subject to such modifications as may be so provided, the Judicial Committee Act 1833 shall apply in relation to appeals and other proceedings in respect of which any jurisdiction is conferred under this section as it applies in relation to appeals to Her Majesty in Council.

(4) Provisions made in pursuance of this section may be included in any Order in Council revoking the existing Constitution Order.

(5) So much of any Order in Council as is made under this section may be varied or revoked by a further Order in Council, whether made before or after the appointed day; but any Order in Council made under this section on or after the appointed day shall not extend to Kenya, or any part of Kenya, as part of the law thereof.

**Divorce
jurisdiction.**

7.—(1) On and after the appointed day no court having jurisdiction under the law of Kenya or any part thereof shall, by virtue of the Colonial and Other Territories (Divorce Jurisdiction) Acts 1926 to 1950, have jurisdiction to make a decree for the dissolution of a marriage, or as incidental thereto to make an order as to any matter, unless proceedings for the decree were instituted before the appointed day.

(2) Except as provided by the foregoing subsection, and subject to any provision to the contrary which may be made on or after the appointed day by or under any law made by any legislature established for Kenya or any part thereof, all courts having jurisdiction under the law of Kenya or any part thereof shall on and after that day have the same jurisdiction under the said Acts as they would have had if this Act had not been passed.

(3) Any rules made on or after the appointed day under section 1(4) of the Indian and Colonial Divorce Jurisdiction Act 1926 for a court having jurisdiction under the law of Kenya or any part thereof shall, instead of being made by the Secretary of State with the concurrence of the Lord Chancellor, be made by such authority as may be determined by the law of Kenya, and so much of the said section 1(4) and of any rules in force thereunder as requires the approval of the Lord Chancellor to the nomination for any purpose of any judges of any such court shall cease to have effect.

(4) The references in subsection (1) of this section to proceedings for the dissolution of a marriage include references to proceedings for such a decree of presumption of death and dissolution of marriage as is authorised by section 16 of the Matrimonial Causes Act 1950.

8.—(1) In this Act “the existing Constitution Order” means Interpretation. the Kenya Order in Council 1963 as amended by the Kenya (Amendment) Order in Council 1963; and references in this Act to Kenya shall be construed in accordance with section 1(3) of this Act.

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

9. This Act may be cited as the Kenya Independence Act Short title. 1963.

SCHEDULES

Section 1.

SCHEDULE 1

LEGISLATIVE POWERS IN KENYA

1. The Colonial Laws Validity Act 1865 shall not apply to any law made on or after the appointed day by any legislature established for Kenya or any part thereof.

2. No law and no provision of any law made on or after the appointed day by any such 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 any such 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 Kenya or any part thereof and in so far as it relates to matters within the legislative powers of that legislature.

3. Any legislature established for Kenya or any part thereof shall have full power to make laws having extra-territorial operation, so far as those laws relate to matters within the legislative powers of that legislature.

4. Without prejudice to the generality of the foregoing provisions of this Schedule, sections 735 and 736 of the Merchant Shipping Act 1894 shall be construed as if references therein to the legislature of a British possession did not include references to any legislature established for Kenya or any part thereof.

5. Without prejudice to the generality of the foregoing provisions of this Schedule, section 4 of the Colonial Courts of Admiralty Act 1890 (which requires certain laws to be reserved for the signification of Her Majesty's pleasure or to contain a suspending clause), and so much of section 7 of that Act as requires the approval of Her Majesty in Council to any rules of court for regulating the practice and procedure of a Colonial Court of Admiralty, shall cease to have effect in Kenya.

6.—(1) Nothing in this Act shall confer on any legislature established for Kenya or any part thereof any power to repeal, amend or modify the constitutional provisions otherwise than in such manner as may be provided for in those provisions.

(2) In this paragraph "the constitutional provisions" means the following, that is to say—

(a) this Act ;

(b) any Order in Council revoking the existing Constitution Order and providing for a new constitution for Kenya to come into effect on the appointed day ;

- (c) any law, or instrument made under a law, of any legislature established for Kenya or any part thereof which, being a law or instrument made on or after the appointed day, amends, modifies, re-enacts with or without amendment or modification, or makes different provision in lieu of, any provisions of this Act, of the Order in Council first mentioned in this sub-paragraph, or of any such law or instrument previously made. SCH. 1

SCHEDULE 2

Section 4.

AMENDMENTS NOT AFFECTING THE LAW OF KENYA

Diplomatic immunities

1. In section 461 of the Income Tax Act 1952 (which relates to exemption from income tax in the case of certain Commonwealth representatives and their staffs)—

- (a) in subsection (2), before the words “for any state” there shall be inserted the words “or Kenya”;
- (b) in subsection (3), before the words “and ‘Agent-General’” there shall be inserted the words “or Kenya”.

2. In section 1(6) of the Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act 1952, before the words “and the Republic of Ireland” there shall be inserted the word “Kenya”.

3. In section 1(5) of the Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act 1961, before the words “and the Republic of Ireland” there shall be inserted the word “Kenya”.

Financial

4. In section 2(4) of the Import Duties Act 1958, before the words “together with” there shall be inserted the word “Kenya”.

Visiting forces

5. In the Visiting Forces (British Commonwealth) Act 1933, section 4 (which deals with attachment and mutual powers of command) shall apply in relation to forces raised in Kenya as it applies 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 section 1(1)(a) (which specifies the countries to which that Act applies) at the end there shall be added the words “Kenya, or”;
- (b) in section 10(1)(a) the expression “colony” shall not include Kenya or any part thereof;

and, until express provision with respect to Kenya is made by Order in Council under section 8 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 Kenya.

SCH. 2

Ships and aircraft

7. In section 427(2) of the Merchant Shipping Act 1894, as substituted by section 2 of the Merchant Shipping (Safety Convention) Act 1949, before the words "or in any" there shall be inserted the words "or Kenya".

8. In the proviso to section 6(2) of the Merchant Shipping Act 1948, at the end there shall be added the words "or Kenya".

9. In the definition of "excepted ship or aircraft" in paragraph 3 of Schedule 3 to the Emergency Laws (Repeal) Act 1959, before the words "or in any" there shall be inserted the words "or Kenya".

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, Kenya or any part thereof; and the penal provisions of that Act shall not apply to persons in Kenya (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 Kenya.

12. In section 2(7)(b) of the Civil Aviation (Licensing) Act 1960, the expression "colony" shall not include Kenya or any part thereof.

Commonwealth Institute

13. In section 8(2) 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) at the end there shall be added the words "and Kenya".

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Table of Statutes referred to in this Act

Short Title	Session and Chapter
Judicial Committee Act 1833	3 & 4 Will. 4. c. 41.
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.
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.

Short Title	Session and Chapter
Merchant Shipping (Safety Convention) Act 1949	12, 13 & 14 Geo. 6. c. 43.
Matrimonial Causes Act 1950	14 Geo. 6. c. 25.
Income Tax Act 1952	15 & 16 Geo. 6. and 1 Eliz. 2. c. 10.
Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act 1952.	15 & 16 Geo. 6. and 1 Eliz. 2. c. 18.
Visiting Forces Act 1952	15 & 16 Geo. 6. and 1 Eliz. 2. 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.
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.
Colonial Development and Welfare Act 1959	7 & 8 Eliz. 2. c. 71.
Civil Aviation (Licensing) Act 1960	8 & 9 Eliz. 2. c. 38.
Army and Air Force Act 1961	9 & 10 Eliz. 2. c. 52.
Tanganyika Independence Act 1961	10 & 11 Eliz. 2. c. 1.
Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act 1961.	9 & 10 Eliz. 2. c. 11.
Uganda Independence Act 1962	10 & 11 Eliz. 2. c. 57.

1963 CHAPTER 55

Zanzibar Act 1963

ARRANGEMENT OF SECTIONS

Section

1. Operation of existing law.
2. Modifications of British Nationality Acts.
3. Pending appeals to Her Majesty in Council.
4. Power to make consequential provisions.
5. Provisions as to Orders in Council and other instruments.
6. Short title, interpretation and repeals.

SCHEDULES:

Schedule 1—Part I: Extension of certain enactments applicable to Commonwealth countries having fully responsible status.

Part II: Exceptions from s. 1(1) of Act.

Schedule 2—Exemptions from operation of s. 2(2) of Act.

Schedule 3—Repeals.

An Act to make provision in connection with Zanzibar becoming an independent State within the Commonwealth. [3rd December 1963]

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:—

Operation of existing law.

1.—(1) Subject to this Act, on and after 10th December 1963 (the date on which Zanzibar ceases to be a protectorate and becomes an independent State within the Commonwealth and which is referred to in this Act as “the appointed day”) all law which, whether being a rule of law or a provision of an Act of Parliament or of any other enactment or instrument whatsoever, is in force on that day or has been passed or made before that day and comes into force thereafter, shall, unless and until provision to the contrary is made by Parliament or some other authority having power in that behalf, have the same operation in relation to Zanzibar, and persons and things belonging to or connected with Zanzibar, as it would have apart from this subsection if there had been no change in the status of Zanzibar on the appointed day.

(2) Schedule 1 to this Act shall apply to the enactments there mentioned (of which those in Part I are enactments applicable to Commonwealth countries having fully responsible status, and those in Part II are thereby excepted from the operation of section 1(1) of this Act), but that Schedule shall not extend to Zanzibar as part of the law of Zanzibar.

(3) Subsection (1) of this section applies to law of or of any part of the United Kingdom, the Channel Islands and the Isle of Man and, in relation only to any enactment of the Parliament of the United Kingdom or any Order in Council made by virtue of any such enactment whereby any such enactment applies in relation to Zanzibar, to law of any other country or territory to which that enactment or Order extends.

Modifications of British Nationality Acts.

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

- (a) in section 1(3) of the said Act of 1948 (which provides for persons to be British subjects or Commonwealth citizens by virtue of citizenship of certain countries) there were added at the end the words “and Zanzibar”, and
- (b) in Schedule 1 to the British Protectorates, Protected States and Protected Persons Order in Council 1949 the words “Zanzibar Protectorate” were omitted.

(2) Save as provided by Schedule 2 to this Act, any person who immediately before the appointed day is a citizen of the United Kingdom and Colonies shall on that day cease to be such a citizen if on that day he is a citizen or national of Zanzibar under the law thereof.

(3) On and after the appointed day, section 6(2) 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 on the appointed day ceases to be such a citizen under subsection (2) of this section, or would have done so if living on the appointed day.

(4) Part III of the British Nationality Act 1948 (which contains supplemental provisions) shall have effect for the purposes of the last foregoing subsection and Schedule 2 to this Act as if those provisions were included in that Act.

(5) The amendment of the Order in Council of 1949 made by subsection (1)(b) of this section shall not affect the meaning of the expression "protectorate" in any law or instrument passed or made before the passing of this Act, other than the British Nationality Acts 1948 and 1958 or any instrument made under those Acts.

3.—(1) Her Majesty may by Order in Council confer on the Judicial Committee of the Privy Council such jurisdiction in respect of appeals to Her Majesty in Council—

Pending
appeals to
Her Majesty
in Council.

(a) from a Court or Judge in Zanzibar ; or

(b) from the Court of Appeal for Eastern Africa on appeal from such a Court or Judge,

being appeals which are pending immediately before the appointed day, and in which the records have been registered in the Office of the Privy Council before that day, as appears to Her to be appropriate for giving effect to any arrangements between Her Majesty's Government in the United Kingdom and the Government of Zanzibar for any such appeals to be continued before and disposed of by that Committee.

(2) An Order in Council under this section may, if the arrangements so require, direct that any appeal continued before the Judicial Committee of the Privy Council under this section shall abate on a date specified in the Order unless it has been heard by the Committee before that date ; and an Order containing such a direction may contain provisions to facilitate the hearing of any such appeal before that date, including provisions as to the sittings of the said Committee and provisions for expediting the steps to be taken by the parties preliminary to the hearing of an appeal.

(3) An Order in Council under this section may determine the practice and procedure to be followed on any appeal continued before the said Committee under this section, and in particular may provide for the form of any report or recommendation to be made by the Judicial Committee of the Privy Council in the exercise of the jurisdiction conferred on that Committee under this section, and for its transmission to such authority in Zanzibar as may be specified in the order.

(4) Except so far as otherwise provided by an Order in Council under this section, and subject to such modifications as may be so provided, the Judicial Committee Act 1833 shall apply in relation to appeals continued before the Judicial Committee of the Privy Council under this section as it applied in relation to those appeals before the appointed day.

(5) Subject to the provisions of any Order in Council under this section, nothing in this Act shall be construed as continuing in force any right of appeal to Her Majesty in Council from Zanzibar.

Power to make consequential provisions.

4. Her Majesty may by Order in Council make such adaptations in any Act of Parliament passed before this Act, or in any instrument made or having effect under any such Act, as appear to Her necessary or expedient in consequence of the change in the status of Zanzibar taking effect on the appointed day.

Provisions as to Orders in Council and other instruments.

5.—(1) An Order in Council or other instrument made under any Act of Parliament passed before the appointed day, other than this Act, which varies or revokes a previous Order in Council or instrument in consequence of the changes in the status of Zanzibar taking effect on the appointed day, and any Order in Council under section 3 or section 4 of this Act, may, if made after the appointed day, be made so as to take effect on the appointed day.

(2) An Order in Council under section 3 or section 4 of this Act—

- (a) may contain such transitional or other incidental or supplemental provisions as appear to Her Majesty to be necessary or expedient,
- (b) may be varied or revoked by a subsequent Order in Council, and
- (c) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

6.—(1) This Act may be cited as the Zanzibar Act 1963.

Short title,
interpretation
and repeals.

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

(3) The Acts and Order in Council mentioned in Schedule 3 to this Act shall on the appointed day be repealed to the extent specified in the third column of that Schedule.

SCHEDULES

SCHEDULE 1

Section 1(2).

PART I

EXTENSION OF CERTAIN ENACTMENTS APPLICABLE TO COMMONWEALTH COUNTRIES HAVING FULLY RESPONSIBLE STATUS

Diplomatic immunities

1. In section 461 of the Income Tax Act 1952 (which relates to exemption from income tax in the case of certain Commonwealth representatives and their staffs)—

- (a) in subsection (2), before the words “for any state” there shall be inserted the words “or Zanzibar”;
- (b) in subsection (3), before the words “and ‘Agent-General’” there shall be inserted the words “or Zanzibar”.

2. In section 1(6) of the Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act 1952, before the words “and the Republic of Ireland” there shall be inserted the word “Zanzibar”.

3. In section 1(5) of the Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act 1961, before the words “and the Republic of Ireland” there shall be inserted the word “Zanzibar”.

Financial

4. In section 2(4) of the Import Duties Act 1958, before the words “together with” there shall be inserted the word “Zanzibar”.

Armed Forces

5. In the definitions of “Commonwealth force” in section 225(1) and section 223(1) respectively of the Army Act 1955 and the Air Force Act 1955, and in the definition of “Commonwealth country” in section 135(1) of the Naval Discipline Act 1957, at the end there shall be added the words “or Zanzibar”, and section 1(1) of this Act shall not apply to either of the said Acts of 1955 or to the said Act of 1957.

SCH. 1

6. In the Visiting Forces (British Commonwealth) Act 1933, section 4 (which deals with attachment and mutual powers of command) shall apply in relation to forces raised in Zanzibar as it applies in relation to forces raised in Dominions within the meaning of the Statute of Westminster 1931.

7. In the Visiting Forces Act 1952, in section 1(1)(a) (which specifies the countries to which that Act applies) at the end there shall be added the words "Zanzibar, or" and, until express provision with respect to Zanzibar is made by Order in Council under section 8 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 Zanzibar.

Ships and Aircraft

8.—(1) The Merchant Shipping Acts 1894 to 1960 shall apply in relation to Zanzibar as they apply in relation to the Commonwealth countries mentioned in section 1(3) of the British Nationality Act 1948.

(2) Without prejudice to the generality of the foregoing subparagraph—

(a) in section 427(2) of the Merchant Shipping Act 1894, as substituted by section 2 of the Merchant Shipping (Safety Convention) Act 1949, before the words "or in any" there shall be inserted the words "or Zanzibar", and

(b) in the proviso to section 6(2) of the Merchant Shipping Act 1948, at the end there shall be added the words "or Zanzibar".

9. In the definition of "excepted ship or aircraft" in paragraph 3 of Schedule 3 to the Emergency Laws (Repeal) Act 1959 before the words "or in any" there shall be inserted the words "or Zanzibar".

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, Zanzibar or any part thereof; and the penal provisions of that Act shall not apply to persons in Zanzibar (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 Zanzibar.

12. In section 2(7)(b) of the Civil Aviation (Licensing) Act 1960 the expression "protectorate" shall not include Zanzibar.

Commonwealth Institute

13. In section 8(2) 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) at the end there shall be added the words "and Zanzibar".

PART II

SCH. I

EXCEPTIONS FROM S. 1(1) OF ACT

Colonial development and welfare

14. Section 1(1) of this Act shall not apply to the definition of "colony" in section 9 of the Colonial Development and Welfare Act 1959.

Foreign Jurisdiction Act 1890 and Orders in Council thereunder

15.—(1) Section 1(1) of this Act shall not apply to the Foreign Jurisdiction Act 1890 or any Order in Council made under that Act, but the provisions of the Orders in Council made under the said Act which are set out below (and which apply in relation to Zanzibar the Colonial Probates Act 1892 and the enactments listed in Schedule 1 to the Foreign Jurisdiction Act 1890 as originally enacted) shall, subject to the provisions of this paragraph, continue in force on and after the appointed day.

(2) The provisions of this paragraph shall have effect subject to any Order in Council made under section 4 of this Act.

ORDERS IN COUNCIL UNDER FOREIGN JURISDICTION ACT 1890

*Description of Order**Provisions continued in force*

Order in Council dated 30th March 1916 and applying the Colonial Probates Act 1892 to Zanzibar. (S.R. & O. 1916 No. 275.)	The whole Order.
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The Zanzibar Order in Council 1924. (S.R. & O. 1924 No. 1401.)	Section 25 except so far as it applies the Admiralty Offences (Colonial) Act 1849, the Admiralty Offences (Colonial) Act 1860 or any provisions of the Merchant Shipping Act 1894. Section 27.
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SCHEDULE 2

Section 2.

EXEMPTIONS FROM OPERATION OF S.2(2) OF ACT

1. Subject to paragraph 5 of this Schedule, a person shall not cease to be a citizen of the United Kingdom and Colonies under section 2(2) of this Act if he, his father or his father's father—

- (a) was born in the United Kingdom or in a colony; or
- (b) is or was a person naturalised in the United Kingdom and Colonies; or
- (c) was registered as a citizen of the United Kingdom and Colonies; or
- (d) became a British subject by reason of the annexation of any territory included in a colony.

2. A person shall not cease to be a citizen of the United Kingdom and Colonies under section 2(2) of this Act 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.

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

4. Subject to paragraph 5 of this Schedule, the reference in paragraph 1(b) of this Schedule to a person naturalised in the United Kingdom and Colonies shall include a person who would, if living immediately before the commencement of the British Nationality Act 1948, have become a person naturalised in the United Kingdom and Colonies by virtue of section 32(6) of that Act (which relates to persons given local naturalisation in a colony or protectorate before the commencement of that Act).

5. Any reference in paragraph 1 or 2 of this Schedule to a colony, protectorate or protected state shall, subject to the following paragraph, be construed as a reference to a territory which is a colony, protectorate or protected state on the appointed day; and paragraph 1 of this Schedule 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 a colony, protectorate or protected state on the appointed day.

6. The protectorates of Northern Rhodesia and Nyasaland shall be excepted from the operation of any reference in paragraph 2 or paragraph 5 of this Schedule to a protectorate.

Section 6.

SCHEDULE 3

REPEALS

Session and Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 6. c. 56	The British Nationality Act 1948.	In section 32(1) in the definition of "Governor" the words from "and includes" to "Zanzibar".
3 & 4 Eliz. 2. c. 18.	The Army Act 1955.	In section 225(1) in the definition of "Governor" the words "and includes the British Resident, Zanzibar".
3 & 4 Eliz. 2. c. 19.	The Air Force Act 1955.	In section 223(1) in the definition of "Governor" the words "and includes the British Resident, Zanzibar".
5 & 6 Eliz. 2. c. 53.	The Naval Discipline Act 1957.	In section 135(1) in the definition of "Governor" the words "and includes the British Resident, Zanzibar".

ORDER IN COUNCIL

Year and number	Title	Extent of Repeal
1949 No. 140.	The British Protectorates, Protected States and Protected Persons Order in Council 1949.	Section 9(2) and section 12(4). In Schedule 1 the words "Zanzibar Protectorate", but not so as to affect the meaning of "protectorate" in any law or instrument passed or made before the passing of this Act, other than the British Nationality Acts 1948 and 1958 or any instrument made under those Acts.

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Table of Statutes referred to in this Act

Short Title	Session and Chapter
Judicial Committee Act 1833	3 & 4 Will. 4. c. 41.
Admiralty Offences (Colonial) Act 1849	12 & 13 Vict. c. 96.
Admiralty Offences (Colonial) Act 1860	23 & 24 Vict. c. 122.
Foreign Jurisdiction Act 1890	53 & 54 Vict. c. 37.
Colonial Probates Act 1892	55 & 56 Vict. c. 6.
Merchant Shipping Act 1894	57 & 58 Vict. c. 60.
Imperial Institute Act 1925	15 & 16 Geo. 5. c. x
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.
Army Act 1955	3 & 4 Eliz. 2. c. 18.
Air Force Act 1955	3 & 4 Eliz. 2. c. 16.
Naval Discipline Act 1957	5 & 6 Eliz. 2. c. 53.
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.

1963 CHAPTER 56

An Act to provide for the grant of a new constitution for the Bahama Islands. [3rd December 1963]

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 by Order in Council for the government of the Bahama Islands.

1.—(1) Her Majesty may by Order in Council make such provision as appears to Her expedient for the government of the Bahama Islands.

(2) Any Order in Council under this section may vary or revoke or provide for the variation or revocation of any Letters Patent relating to the government of the Bahama Islands, any instrument issued in pursuance of any such Letters Patent and any Act of the Legislature of those Islands so relating.

(3) Any Order in Council under this section may be varied or revoked by a subsequent Order in Council thereunder, but otherwise shall not be capable of being varied or revoked except by Act of Parliament.

(4) Any Order in Council under this section shall be laid before Parliament after being made.

Short title.

2. This Act may be cited as the Bahama Islands (Constitution) Act 1963.

1963 CHAPTER 57

An Act to make provision as to the operation of the law in relation to Nigeria as a Republic within the Commonwealth. [18th December 1963]

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

Operation of existing law

1.—(1) Subject to this Act, all law which, whether being a rule of law or a provision of an Act of Parliament or of any other enactment or instrument whatsoever, was in force on

1st October 1963, or, having been passed or made before that day, comes or has come into force thereafter, shall, unless and until provision to the contrary is made by Parliament or some other authority having power in that behalf, have the same operation in relation to Nigeria, and persons and things belonging to or connected with Nigeria, as it would have apart from this subsection if Nigeria had not become a Republic.

(2) This section applies to law of or of any part of the United Kingdom, the Channel Islands and the Isle of Man and, in relation only to any enactment of the Parliament of the United Kingdom or any Order in Council made by virtue of any such enactment whereby any such enactment applies in relation to Nigeria, to law of any other country or territory to which that enactment or Order extends.

(3) Nothing in this section shall be construed as enabling Her Majesty to entertain any appeal from a court or judge in Nigeria, other than an appeal from a decision given before 1st October 1963 in respect of which the Judicial Committee of the Privy Council have jurisdiction according to the law of the Republic of Nigeria.

(4) This section shall be deemed to have had effect from 1st October 1963.

2.—(1) Her Majesty may by Order in Council make such adaptations in any Act of Parliament passed before 1st October 1963 as appear to Her necessary or expedient in consequence of Nigeria having become a Republic. Power to make consequential adaptations.

(2) Any Order in Council made under subsection (1) of this section, and any Order in Council or other instrument made under any other enactment which varies or revokes a previous Order in Council or instrument in consequence of Nigeria having become a Republic, may be made so as to have effect from 1st October 1963.

(3) Any Order in Council under subsection (1) of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament, and may be varied or revoked by a subsequent Order in Council.

3. This Act may be cited as the Nigeria Republic Act 1963.

Short title.

1963 CHAPTER 58

An Act to continue certain expiring laws.
[18th December 1963]

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 columns 1 and 2 of Part I of that Schedule, at the end of December 1963; and
- (b) as respects those mentioned in columns 1 and 2 of Part II of that Schedule, at the end of March 1964;

and whereas it is expedient to provide for the continuance, as in this Act mentioned, of those Acts and of the enactments amending or affecting the same:

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

Continuance
of Acts in
Schedule.

1.—(1) The Acts mentioned in columns 1 and 2 of Part I of the Schedule to this Act shall, to the extent mentioned in column 3 of that Part, be continued till the end of December 1964.

(2) The Acts mentioned in columns 1 and 2 of Part II of the Schedule to this Act shall, to the extent specified in column 3 of that Part, be continued till the end of March 1965.

(3) Any unrepealed enactments which are temporary in their duration shall, in so far as they amend or affect any enactment continued by the foregoing provisions of this Act, be continued in like manner as that enactment whether they are mentioned in the Schedule to this Act or not.

Short title and
application
to Northern
Ireland.

2.—(1) This Act may be cited as the Expiring Laws Continuance Act 1963.

(2) Except in so far as it continues section 1 of the Aliens Restriction (Amendment) Act 1919 and Part I of, and Schedule 1 to, the Commonwealth Immigrants Act 1962, this Act shall not extend to Northern Ireland.

SCHEDULE

ACTS CONTINUED

PART I

Acts continued till end of December 1964

Chapter	Short Title	Extent of Continuance	Amending Acts
9 & 10 Geo. 5. c. 92.	The Aliens Restriction (Amendment) Act 1919.	Section 1 ...	—
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	—
10 & 11 Eliz. 2. c. 21.	The Commonwealth Immigrants Act 1962.	Part I and Schedule 1	—

PART II

Acts continued till end of March 1965

Chapter	Short Title	Extent of Continuance	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. 40. 5 & 6 Eliz. 2. c. 25.
1 & 2 Eliz. 2. c. 46.	The Licensing Act 1953 ...	Part II ...	9 & 10 Eliz. 2. c. 61.

1963 CHAPTER 59

An Act to increase the statutory limits imposed on the amounts outstanding in respect of borrowings by the Electricity Council and Electricity Boards and the Gas Council and Area Gas Boards; to make further provision for Exchequer advances to certain of those bodies; to provide in certain cases for compensating members of those bodies for loss of office; and for purposes connected with the matters aforesaid.

[18th December 1963]

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
borrowing
powers.

1.—(1) The enactments imposing limits on the borrowing powers of the Electricity Council and Electricity Boards and the Gas Council and Area Gas Boards by reference to the aggregate of amounts outstanding shall be amended in accordance with the following provisions of this section.

(2) In section 15(5) of the Electricity Act 1957 (which limits the borrowing powers of the Electricity Council, the Central Electricity Generating Board and Area Electricity Boards)—

- (a) for the words “fourteen hundred million pounds” in the said section 15(5) as originally enacted, and
- (b) for the words which by section 1(1)(a) of the Electricity (Borrowing Powers) Act 1959 were substituted for those words as respects sums borrowed before the end of March 1965,

there shall be substituted the words “£3300 million or such greater sum, not exceeding £4400 million, as the Minister may by order, specify”.

(3) In the proviso to section 47(7) of the Electricity Act 1947 (which limits the borrowing powers of the North of Scotland Hydro-Electric Board, and, as applied by the Electricity Reorganisation (Scotland) Act 1954, also limits the borrowing powers of the South of Scotland Electricity Board)—

- (a) for the words “one hundred million pounds” in that proviso as originally enacted, and
- (b) for any words which, by virtue of any one or more of the following Acts, that is to say, the Hydro-Electric Development (Scotland) Act 1952, the Electricity Reorganisation (Scotland) Act 1954, the Electricity (Borrowing Powers) Act 1959 and the Electricity (Borrowing Powers) (Scotland) Act 1962, have effect in substitution for those words, either generally or as respects sums borrowed before the end of March 1965,

there shall be substituted the words "£500 million or such greater sum, not exceeding £580 million, as the Secretary of State may by order specify".

(4) In section 42(3) of the Gas Act 1948 (which limits the borrowing powers of the Gas Council and Area Gas Boards)—

(a) for the words "two hundred and fifty million pounds" in the said section 42(3) as originally enacted, and

(b) for any words which, by virtue of section 1 of the Gas and Electricity (Borrowing Powers) Act 1954, or, in relation to sums borrowed before the end of March 1966, by virtue of section 1(1) of the Gas Act 1960, have effect in substitution for those words,

there shall be substituted the words "£600 million or such greater sum, not exceeding £650 million, as the Minister may by order specify".

(5) Any power to make an order which is exercisable by virtue of this section includes power to revoke or vary any such order by a subsequent order.

(6) Any such power shall be exercisable by statutory instrument, and no order shall be made in the exercise of any such power unless a draft of the order has been laid before the Commons House of Parliament and has been approved by a resolution of that House; and so much of section 71(3) of the Gas Act 1948 as provides that orders under that Act shall be subject to annulment in pursuance of a resolution of either House of Parliament shall not apply to an order made by virtue of subsection (4) of this section.

2.—(1) The Minister of Power (in this section referred to as "the Minister") may with the approval of the Treasury advance to the Electricity Council or the Gas Council, and the Secretary of State may with the approval of the Treasury advance to the North of Scotland Hydro-Electric Board or the South of Scotland Electricity Board, any sums which, within the limits imposed by the relevant enactments, the Council or Board in question have power to borrow.

Exchequer
advances to
Electricity and
Gas Councils
and to Scottish
Electricity
Boards.

(2) The enactments specified in Schedule 1 to this Act shall have effect subject to the amendments specified in that Schedule, in addition to those made by section 1 of this Act; and in the preceding subsection "the relevant enactments", in relation to any of the Councils and Boards mentioned in that subsection, means such of the enactments specified in section 1 of this Act and in that Schedule as relate to that Council or Board, as those enactments have effect as amended by this Act.

(3) Any advances made by the Minister or the Secretary of State under this section shall be repaid to him at such times and by such methods, and interest thereon shall be paid to him at such rates and at such times, as he may with the approval of the Treasury from time to time direct.

(4) The Treasury may issue out of the Consolidated Fund to the Minister and the Secretary of State such sums as are necessary to enable them to make advances under this section.

(5) For the purpose of providing sums to be issued under the last preceding subsection, or of providing for the replacement of sums so issued, the Treasury may at any time, if they think fit, raise money in any manner in which they are authorised to raise money under the National Loans Act 1939; and any securities created and issued to raise money under this subsection shall be deemed for all purposes to have been created and issued under that Act.

(6) Any sums received by the Minister or the Secretary of State under subsection (3) of this section shall be paid into the Exchequer, and shall be issued out of the Consolidated Fund at such times as the Treasury may direct, and shall be applied by the Treasury as follows, that is to say,—

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

(7) In respect of each financial year the Minister and the Secretary of State shall each prepare, in such form and manner as the Treasury may direct, an account of sums issued to him under this section and of the sums to be paid into the Exchequer under subsection (6) of this section and of the disposal by him of those sums respectively, and shall send it to the Comptroller and Auditor General not later than the end of November following that financial 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) Any account prepared under subsection (7) of this section—

- (a) if it is in respect of the year 1963-1964, shall include any sums issued to the Minister, or, as the case may be, the Secretary of State, under section 42 of the Finance Act 1956 which relate to advances made to either of the Councils or, as the case may be, of the Boards in that year before the passing of this Act and
- (b) in any case, shall include any sums received by the Minister, or, as the case may be, the Secretary of State, under subsection (4) of that section in respect of the financial year to which the account relates;

and neither the Minister nor the Secretary of State shall be required to prepare an account under that section in respect of the year 1963-1964 or any subsequent year.

(9) In relation to the making of advances to any of the Councils and Boards mentioned in subsection (1) of this section after the passing of this Act, this section shall have effect in substitution for the provisions of section 42 of the Finance Act 1956; but (except as provided by subsection (8) of this section) this section shall have effect without prejudice to the operation of any provisions of that section in relation to advances made before the passing of this Act.

3.—(1) Where, after the passing of this Act, a person ceases, otherwise than on the expiry of his term of office, to be a member of a Council or Board to which this section applies, and it appears to the appropriate Minister that there are special circumstances which make it right that that person should receive compensation, that Minister may with the approval of the Treasury require that Council or Board to make to that person a payment of such amount as may be determined by the appropriate Minister with the approval of the Treasury.

Payments to members of Councils and Boards of compensation for loss of office.

(2) This section applies to the following Councils and Boards, that is to say—

- (a) the Electricity Council;
- (b) the Central Electricity Generating Board;
- (c) Area Boards within the meaning of the Electricity Act 1947;
- (d) the North of Scotland Hydro-Electric Board;
- (e) the South of Scotland Electricity Board;
- (f) the Gas Council; and
- (g) Area Boards within the meaning of the Gas Act 1948.

(3) In this section “the appropriate Minister”, except in relation to the Boards specified in paragraphs (d) and (e) of the last preceding subsection, means the Minister of Power, and, in relation to those Boards, means the Secretary of State.

4.—(1) This Act may be cited as the Electricity and Gas Act 1963.

Short title, repeal and consequential provision.

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

Provided that (without prejudice to section 2(8) of this Act) the repeal of section 42 of the Finance Act 1956 shall not affect the operation of any provisions of that section in relation to advances made thereunder before the passing of this Act.

(3) In accordance with the provisions of this Act, section 47(7) of the Electricity Act 1947 shall have effect as set out in Schedule 3 to this Act.

SCHEDULES

SCHEDULE 1

AMENDMENTS RELATING TO EXCHEQUER ADVANCES

Enactment	Amendment
<p>The Electricity Act 1947. (10 & 11 Geo. 6. c. 54).</p>	<p>In section 47(7), in the proviso, after the words "North of Scotland Board" there shall be inserted the words "or the South of Scotland Board and of any advances (whether temporary or otherwise) made to either of those Boards under section 42 of the Finance Act 1956 or under section 2 of the Electricity and Gas Act 1963"; for the words "the said Board" there shall be substituted the words "the said Boards"; and at the end of the proviso there shall be inserted the words "or any such advances".</p>
<p>The Gas Act 1948. (11 & 12 Geo. 6. c. 67).</p>	<p>In section 42, after paragraph (a) of subsection (2) there shall be inserted the following paragraph:—</p> <p>“(aa) the repayment of advances (in this Act referred to as “Exchequer advances”) made to the Gas Council under section 42 of the Finance Act 1956 or under section 2 of the Electricity and Gas Act 1963”;</p> <p>after subsection (2) there shall be inserted the following subsection:—</p> <p>“(2A) The Gas Council may raise money, for all or any of the purposes mentioned in either of the preceding subsections, by the taking of Exchequer advances”;</p> <p>in subsection (3), after the words “in stock or in cash,” there shall be inserted the words “and in respect of the principal of any Exchequer advances (whether temporary or otherwise) made to the Gas Council”, and, in the proviso to that subsection, after the words “or of repaying” there shall be inserted the words “any such advances or”.</p> <p>In section 44, after subsection (3), there shall be inserted the following subsection:—</p> <p>“(4) The preceding provisions of this section shall apply in relation to the raising of money by the taking of Exchequer advances as they apply in relation to the borrowing of money by the issue of British Gas Stock; and accordingly references in those provisions to borrowing money, to</p>

Enactment	Amendment
<p>The Gas Act 1948. (11 & 12 Geo. 6. c. 67)—<i>cont.</i></p>	<p>British Gas Stock or an issue of such stock, to issuing such stock, or to redeeming or converting such stock, shall be construed as including references to the raising of money, to Exchequer advances, to the taking of such advances, or to repaying such advances, as the case may be.”</p> <p>In section 46, in paragraph (a) of subsection (1), after the words “British Gas Stock” there shall be inserted the words “or Exchequer advances”, and in subsection (2), after the words “or in respect of any”, there shall be inserted the words “Exchequer advances taken or”.</p>
<p>The Electricity Act 1957. (5 & 6 Eliz. 2. c. 48).</p>	<p>In section 15, in subsection (3), for the words “the last preceding subsection” there shall be substituted the words “either of the preceding subsections”; in subsection (5)(b), after the words “Exchequer advances” there shall be inserted the words “(whether temporary or otherwise)”; and at the end of subsection (7) there shall be added the words “or under section 2 of the Electricity and Gas Act 1963 (which makes similar provision in respect of certain bodies, including the Electricity Council)”.</p>

SCHEDULE 2

ENACTMENTS REPEALED

Chapter	Short Title	Extent
<p>10 & 11 Geo. 6. c. 54.</p>	<p>The Electricity Act 1947 ...</p>	<p>In section 47(7) the words from “The limit imposed” to “Provided that”.</p>
<p>11 & 12 Geo. 6. c. 67.</p>	<p>The Gas Act 1948 ...</p>	<p>In section 44(3), the words from “Any sums paid” to the end of the subsection.</p>
<p>4 & 5 Eliz. 2. c. 54.</p>	<p>The Finance Act 1956 ...</p>	<p>Section 48(2). Section 42.</p>
<p>7 & 8 Eliz. 2. c. 20.</p>	<p>The Electricity (Borrowing Powers) Act 1959.</p>	<p>The whole Act.</p>
<p>8 & 9 Eliz. 2. c. 27.</p>	<p>The Gas Act 1960 ...</p>	<p>Section 1.</p>
<p>11 & 12 Eliz. 2. c. 7.</p>	<p>The Electricity (Borrowing Powers) (Scotland) Act 1962.</p>	<p>The whole Act.</p>
<p>1963 c. 25. ...</p>	<p>The Finance Act 1963 ...</p>	<p>Section 70.</p>

SCHEDULE 3

SECTION 47(7) OF THE ELECTRICITY ACT 1947 AS AMENDED

(7) The aggregate of the amounts outstanding in respect of the principal of any stock issued (other than stock issued to the Central Authority under this section) and of any temporary loans raised by the North of Scotland Board or the South of Scotland Board and of any advances (whether temporary or otherwise) made to either of those Boards under section 42 of the Finance Act 1956 or under section 2 of the Electricity and Gas Act 1963 shall not at any time exceed the sum of £500 million or such greater sum, not exceeding £580 million, as the Secretary of State may by order specify; but nothing in this subsection shall prevent the said Boards from borrowing in excess of the said sum for the purpose of redeeming any stock which they are required or entitled to redeem or of repaying any such temporary loans or any such advances.

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Table of Statutes referred to in this Act

Short Title	Session and Chapter
National Loans Act 1939	2 & 3 Geo. 6. c. 117.
Electricity Act 1947	10 & 11 Geo. 6. c. 54.
Gas Act 1948	11 & 12 Geo. 6. c. 67.
Hydro-Electric Development (Scotland) Act 1952	15 & 16 Geo. 6. c. 1.
	1 Eliz. 2. c. 22.
Gas and Electricity (Borrowing Powers) Act 1954	2 & 3 Eliz. 2. c. 52.
Electricity Re-organisation (Scotland) Act 1954...	2 & 3 Eliz. 2. c. 60.
Finance Act 1956	4 & 5 Eliz. 2. c. 54.
Electricity Act 1957	5 & 6 Eliz. 2. c. 48.
Electricity (Borrowing Powers) Act 1959	7 & 8 Eliz. 2. c. 20.
Gas Act 1960	8 & 9 Eliz. 2. c. 27.
Electricity (Borrowing Powers) (Scotland) Act 1962.	11 & 12 Eliz. 2. c. 7.

1963 No. 1

A MEASURE passed by The National Assembly of the Church of England to reform and reconstruct the system of ecclesiastical courts of the Church of England, to replace with new provisions the existing enactments relating to ecclesiastical discipline, to abolish certain obsolete jurisdictions and fees, and for purposes connected therewith. [31st July 1963]

PART I

THE ECCLESIASTICAL JUDICIAL SYSTEM

The Courts

1.—(1) For each diocese there shall be a court of the bishop thereof (to be called the consistory court of the diocese or, in the case of the court for the diocese of Canterbury, the commissary court thereof) which shall have the original jurisdiction conferred on it by this Measure. The ecclesiastical courts.

(2) For each of the provinces of Canterbury and York—

(a) there shall be a court of the archbishop thereof (to be called, in the case of the court for the province of Canterbury, the Arches Court of Canterbury, and, in the case of the court for the province of York, the Chancery Court of York) which shall have the appellate jurisdiction conferred on it by this Measure; and

(b) there may, in accordance with the provisions in that behalf of Part V of this Measure, be appointed by the Upper House of the Convocation of the province commissions which shall have the original jurisdiction conferred on them by this Measure with respect to the trial of bishops;

(3) For both of the said provinces—

(a) there may, in accordance with the provisions of Part V of this Measure, be appointed by the Upper House of the Convocations of both the said provinces commissions which shall have the original jurisdiction conferred on them by this Measure with respect to the trial of archbishops;

(b) there shall be a court (to be called the Court of Ecclesiastical Causes Reserved) which shall have the original and appellate jurisdiction conferred on it by this Measure;

PART I

- (c) there may, in accordance with the provisions in that behalf of this Measure, be appointed by Her Majesty commissioners who shall have such jurisdiction as is conferred on them by this Measure with respect to the review of findings of any commission of Convocation appointed under paragraph (b) of the last foregoing subsection and paragraph (a) of this subsection, and also of the Court of Ecclesiastical Causes Reserved; and
- (d) Her Majesty in Council shall have such appellate jurisdiction as is conferred on Her by this Measure.

The Judges of the Courts constituted by this Measure

Judge of
consistory
court.

2.—(1) Subject to the following provisions of this Measure, the consistory court of a diocese shall be presided over by a single judge who shall be styled the chancellor of the diocese or, in the case of the diocese of Canterbury, the commissary general, and appointed by the bishop thereof by letters patent.

(2) A person appointed to be chancellor of a diocese shall be at least thirty years old and either a barrister at law of at least seven years' standing or a person who has held high judicial office, and, before appointing a layman, the bishop shall satisfy himself that the person to be appointed is a communicant.

(3) The appointment of a person to be chancellor of a diocese shall cease to have effect upon the termination of a vacancy in the see unless it has been previously confirmed by the capitular body of the cathedral church of the diocese, being the dean and chapter or, as the case may be, the cathedral chapter of that church:

Provided that any person who ceases to be chancellor of a diocese under this subsection during the course of any proceedings or cause of faculty in the consistory court of a diocese shall continue to act as chancellor for the purpose of those proceedings or that cause as if his appointment had continued until the conclusion in that court of those proceedings or that cause as the case may be.

(4) Subject to the provisions of the last foregoing subsection, the appointment of a person to be chancellor of a diocese shall be without limit of time, but he—

- (a) may resign his office by instrument in writing under his hand addressed to, and served on, the bishop of the diocese;
- (b) may be removed by that bishop if the Upper House of the Convocation of the relevant province resolves that he is incapable of acting or unfit to act.

(5) The chancellor of a diocese shall, before he enters on the execution of his office,—

PART I

- (a) take and subscribe, either before the bishop of the diocese in the presence of the diocesan registrar, or in open court in the presence of that registrar, the oaths set out in Part I of the First Schedule to this Measure ; and
- (b) if he is a layman, make and subscribe, in the like circumstances, the declaration set out in Part II of that Schedule ;

and the diocesan registrar shall record the taking and subscription of the said oaths and the making and subscription of the said declaration.

3.—(1) The judges of the Arches Court of Canterbury and the Chancery Court of York respectively shall be five in number, but proceedings which, by virtue of the following provisions of this Measure, are cognisable by either of those Courts shall be heard and disposed of by such of the judges thereof as may be determined in accordance with those provisions.

Judges of the Arches and Chancery Courts.

(2) Of the judges of each of the said Courts—

- (a) one, who shall be a judge of both Courts (and, in respect of his jurisdiction in the province of Canterbury shall be styled Dean of the Arches and, in respect of his jurisdiction in the province of York, shall be styled Auditor, and is hereinafter referred to in this Measure as the Dean of the Arches and Auditor), shall be appointed by the archbishops of Canterbury and York jointly with the approval of Her Majesty signified by warrant under the sign manual ;
- (b) two shall be persons in holy orders appointed by the prolocutor of the Lower House of the Convocation of the relevant province ;
- (c) two shall be laymen appointed by the Chairman of the House of Laity after consultation with the Lord Chancellor and possessing such judicial experience as the Lord Chancellor shall think appropriate ;

(3) A person appointed to be Dean of the Arches and Auditor shall be either a barrister at law of at least ten years' standing or a person who has held high judicial office, and, before appointing a layman, the archbishops of Canterbury and York shall satisfy themselves that he is a communicant.

(4) Before the Chairman of the House of Laity appoints a person to be a judge of either of the said Courts, he shall satisfy himself that that person is a communicant.

PART I

(5) The appointment of any person to be a judge of either of the said Courts shall be without limit of time, but—

(a) the Dean of the Arches and Auditor—

(i) may resign his office by instrument in writing under his hand addressed to, and served on, the archbishops of Canterbury and York ;

(ii) may be removed by the archbishops of Canterbury and York jointly if the Upper Houses of the Convocations of the provinces of Canterbury and York each resolve that he is incapable of acting or unfit to act ;

(b) any other judge of either of the said Courts—

(i) may resign his office by instrument in writing under his hand addressed to, and served on, the archbishop of the relevant province ;

(ii) may be removed by the archbishop of that province if the Upper House of its Convocation resolves that he is incapable of acting or unfit to act ;

(6) The Dean of the Arches and Auditor shall, before he enters on the execution of his office,—

(a) take and subscribe,—

(i) before the archbishop of Canterbury in the presence of the registrar of the province of Canterbury and before the archbishop of York in the presence of the registrar of the province of York ;
or

(ii) in open court in both of those provinces in the presence of the registrar of the province ;

the oaths set out in Part I of the First Schedule to this Measure ; and

(b) if he is a layman, make and subscribe, in the like circumstances, the declaration set out in Part II of that Schedule.

(7) A person (other than the Dean of the Arches and Auditor appointed to hold the office of judge of either of the said Courts shall, before he enters on the execution of his office,—

(a) take and subscribe the said oaths either before the archbishop of the relevant province and in the presence of the registrar of that province or in open court in the presence of that registrar ; and

(b) if he is a layman, make and subscribe, in the like circumstances, the said declaration.

(8) A provincial registrar shall record the taking or making, and subscription, of an oath or declaration in his presence in pursuance of either of the two last foregoing subsections.

4.—(1) In the event of the illness or temporary incapacity of the Dean of the Arches and Auditor or of any chancellor, the archbishops of Canterbury and York in the former case, and the bishop of the diocese concerned in the latter, may appoint a fit and proper person to act as deputy Dean of the Arches and Auditor or deputy chancellor of such diocese as the case may be during such illness or incapacity, and every person so appointed shall have all the powers and perform all the duties of the person for whom he is appointed to act.

PART I
Appointment
of deputy
judges.

(2) Every deputy judge appointed to act pursuant to the provisions of the foregoing subsection shall be qualified as hereinbefore provided with respect to the person whose functions he is appointed to perform and, before he enters on the execution of his office, such deputy shall take and subscribe such oaths and, if the case so requires, make and subscribe such declarations as are required to be taken, made and subscribed by the Dean of the Arches and Auditor or by a chancellor of a diocese, as the case may be, under the preceding provisions of this Measure in manner thereby appointed, and such oaths and declarations shall be recorded in the like manner.

5. The Court of Ecclesiastical Causes Reserved shall be constituted of five judges appointed by Her Majesty, and of them two shall be persons who hold, or have held, high judicial office and who make a declaration that they are communicants and three shall be persons who are, or have been, diocesan bishops.

Judges of the
Court of
Ecclesiastical
Causes
Reserved.

Jurisdiction of the Courts

6.—(1) Subject to the provisions of the following subsection the consistory court of a diocese has original jurisdiction to hear and determine—

Jurisdiction of
the consistory
court.

- (a) proceedings upon articles charging an offence under this Measure committed by a priest or deacon who when the offence was alleged to have been committed or when the proceedings were instituted, held preferment in the diocese or resided therein, not being an offence involving matter of doctrine, ritual or ceremonial ;
- (b) a cause of faculty for authorising—
 - (i) any act relating to land within the diocese, or to anything on or in such land, being an act for the doing of which the decree of a faculty is requisite ;
 - (ii) the sale of books comprised in a library within the diocese, being a library to which the Parochial Libraries Act, 1708, applies ;
- (c) proceedings upon any *jus patronatus* awarded by the bishop of the diocese ;
- (d) proceedings for the recovery of any penalty or forfeiture incurred under section thirty-two or forty-one of the

PART I

Pluralities Act, 1838, in relation to a benefice in the diocese or under section twenty-eight of that Act by a spiritual person holding a benefice in the diocese, any proceedings in respect of an offence committed under section twenty-nine of that Act by a person who holds any cathedral preferment, benefice, curacy or lectureship in the diocese or is licensed or otherwise allowed to perform duties therein and any proceedings consequent upon the return into the court of a monition in pursuance of section one hundred and twelve of that Act;

- (e) any proceedings (other than as aforesaid) which immediately before the passing of this Measure, it had power to hear and determine, not being proceedings in respect of which the court has jurisdiction to hear and determine which is expressly abolished by this Measure.

(2) Nothing contained in the foregoing subsection shall extend or be construed as extending, the jurisdiction of the consistory court in faculty matters to any land or to anything on or in such land in respect of which such court had no jurisdiction immediately before the passing of this Measure.

**Jurisdiction of
Arches and
Chancery
Courts.**

7.—(1) The Arches Court of Canterbury and the Chancery Court of York each have jurisdiction to hear and determine appeals from judgments, orders or decrees of consistory courts of dioceses within the provinces for which they are constituted respectively, being judgments, orders or decrees given, made or pronounced—

- (a) in such proceedings as are mentioned in paragraphs (a), (d) and (e) of subsection (1) of the last foregoing section, or
- (b) in causes of faculty not involving matter of doctrine, ritual or ceremonial.

(2) An appeal which, by virtue of this section, either of the said Courts has jurisdiction to entertain lies—

- (a) in a civil suit, at the instance of any party to the proceedings;
- (b) in a criminal suit, at the instance of any party to the proceedings on a question of law and the defendant on a question of fact.

(3) Appeals under this section shall be lodged and conducted in such manner as may be prescribed.

**Appellate
jurisdiction
of Her
Majesty
in Council.**

8.—(1) Her Majesty in Council has jurisdiction to hear and determine appeals from judgments of the Arches Court of Canterbury and the Chancery Court of York in proceedings which, by virtue of paragraph (b) of subsection (1) of the last foregoing section, those Courts have jurisdiction to entertain.

(2) An appeal which, by virtue of this section, Her Majesty in Council has jurisdiction to entertain lies at the instance of any party to the proceedings.

PART I

9.—(1) A commission appointed in accordance with the provisions of Part V of this Measure by the Upper Houses of the Convocations of the provinces of Canterbury and York has jurisdiction to hear and determine proceedings upon articles charging an offence against the laws ecclesiastical other than an offence involving matter of doctrine, ritual or ceremonial committed by an archbishop.

Jurisdiction of commissions of convocation.

(2) A commission appointed by the Upper House of the Convocation of either of the said provinces in accordance with the provisions referred to in the last foregoing subsection has jurisdiction to hear and determine proceedings upon articles charging an offence against the laws ecclesiastical committed by a bishop who, when the offence was alleged to have been committed or when the proceedings were instituted, was a diocesan bishop whose diocese was within the relevant province, a suffragan bishop commissioned by any such diocesan bishop or a bishop (other than as aforesaid) who resided in such a diocese or held preferment therein, not being an offence involving matter of doctrine, ritual or ceremonial.

10.—(1) The Court of Ecclesiastical Causes Reserved has original jurisdiction to hear and determine—

Jurisdiction of Court of Ecclesiastical Causes Reserved.

(a) proceedings upon articles charging an offence against the laws ecclesiastical involving matter of doctrine ritual or ceremonial committed by—

(i) a priest or deacon who when the offence was alleged to have been committed or when the proceedings were instituted, held preferment in a diocese or resided therein ;

(ii) an archbishop or a bishop who, at one of those times, was a diocesan or a suffragan commissioned by a diocesan or (not being either a diocesan or a suffragan) held preferment in a diocese or resided therein ;

(b) all suits of *duplex querela* ;

and also has jurisdiction to hear and determine appeals from judgments, orders or decrees of consistory courts of dioceses given, made or pronounced in causes of faculty involving matter of doctrine, ritual or ceremonial.

(2) An appeal which, by virtue of this section, the Court of Ecclesiastical Causes Reserved has jurisdiction to entertain lies at the instance of any party to the proceedings.

(3) For the purpose of determining whether an appeal from a judgment, order or decree of a consistory court in a cause of

PART I

faculty lies to the Arches Court of Canterbury or the Chancery Court of York under paragraph (b) of sub-section (1) of section seven of this Measure or to the Court of Ecclesiastical Causes Reserved by virtue of this section, it shall be the duty of the chancellor to certify upon the application of the party desiring to appeal whether or not a question of doctrine, ritual or ceremonial is involved and such certificate shall be conclusive.

Jurisdiction of Her Majesty with respect to review of findings of commissions of convocation or of Court of Ecclesiastical Causes Reserved.

11.—(1) A petition addressed to Her Majesty praying that She will be pleased to cause a finding of any commission of convocation appointed under Part V of this Measure to be reviewed may be lodged with the Clerk of the Crown in Chancery by any party to the proceedings on a question of law, and by the defendant on a question of fact.

(2) A petition addressed to Her Majesty praying that she will be pleased to cause a finding of the Court of Ecclesiastical Causes Reserved to be reviewed may be lodged with the Clerk of the Crown in Chancery—

(a) in a case where the finding of the Court was in exercise of the jurisdiction it has by virtue of paragraph (a) of subsection (1) of the last foregoing section, by any party to the proceedings on a question of law and the defendant on a question of fact ;

(b) in any other case, by any party to the proceedings.

(3) Any such petition must be in the prescribed form and must be lodged as aforesaid within the prescribed period after the finding to which it relates.

(4) Upon a petition being duly lodged under this section, a commission shall be directed under the Great Seal to such five persons as Her Majesty may be pleased to nominate, of whom three shall be Lords of Appeal (within the meaning of the Appellate Jurisdiction Act, 1876) who make a declaration that they are communicants and two shall be lords spiritual sitting as Lords of Parliament, to review the finding to which the petition relates.

(5) A commission appointed under this section shall be called a Commission of Review.

Miscellaneous Provisions relating to the Courts and the Judges

Consistory, Arches and Chancery Courts to be unaffected by vacation of sees.

12. The vacation of the see of Canterbury or of the see of York shall not render the Arches Court of Canterbury or the Chancery Court of York unable to exercise their respective jurisdictions nor shall the vacation of those sees or the see of the bishop of any other diocese render any consistory court unable to exercise its jurisdiction, and subject to the provisions of subsection (3) of section two of this Measure no such vacancy shall affect the discharge by the judges or officers of any such court as aforesaid of their functions.

PART I

13.—(1) The Dean of the Arches and Auditor shall, by virtue of his office, be the Official Principal of the archbishop of Canterbury and the Official Principal of the archbishop of York in their respective capacities of Metropolitans and shall also be Master of the Faculties to the archbishop of Canterbury. Certain judges to be ex officio officials principal.

(2) The chancellor of a diocese shall by virtue of his office be the Official Principal of the bishop of that diocese.

PART II

OFFENCES COGNISABLE UNDER THE MEASURE AND PROVISIONS AS TO PERSONS CHARGEABLE THEREWITH

14.—(1) Proceedings may be instituted under this Measure against any of the persons specified in section seventeen thereof charging— Offences under the Measure.

- (a) an offence against the laws ecclesiastical involving matters of doctrine, ritual or ceremonial ;
- (b) any other offence against the laws ecclesiastical, including—
 - (i) conduct unbecoming the office and work of a clerk in Holy Orders, or
 - (ii) serious, persistent, or continuous neglect of duty :

Provided that no proceedings in respect of unbecoming conduct shall be taken in respect of the political opinions or activities of such person ;

And provided further that no proceedings in respect of neglect of duty shall be taken in respect of the political opinions of such person.

(2) The repeal by this Measure of any statutory provision under which proceedings could have been taken for an offence against the law ecclesiastical shall not prevent the taking of any proceedings under this Measure in respect of any such offence.

15. Proceedings under this Measure for an offence involving matters of doctrine, ritual or ceremonial shall only be instituted if the offence was committed within the province of Canterbury or York, but this limitation shall not apply to proceedings under this Measure for other offences. Place where offence committed.

16. No proceedings under this Measure shall be instituted unless the act or omission constituting the offence, or the last of them if the offence consists of a series of acts or omissions, occurred within the period of three years ending with the day on which proceedings are instituted : Limitation of time for institution of proceedings under the Measure.

PART II

Provided that, when the offence is one for which the accused has been convicted either on indictment or summarily, proceedings may be instituted within six months of the conviction becoming conclusive notwithstanding that the aforesaid period of three years has elapsed.

Persons against whom proceedings may be instituted.

17. Proceedings under this Measure may be instituted against an archbishop, any diocesan bishop or any suffragan bishop commissioned by a diocesan bishop or any other bishop or a priest or deacon who, when the offence was alleged to have been committed or when the proceedings are instituted, held or holds preferment in any diocese or resided or resides therein as the case may be.

PART III**INSTITUTION OF PROCEEDINGS IN RESPECT OF OFFENCES UNDER THE MEASURE**

Mode of instituting proceedings.

18.—(1) Proceedings charging an offence under this Measure shall be instituted in the case of an archbishop or a bishop by way of complaint laid before the registrar of the relevant province and in the case of a priest or deacon by way of complaint laid before the registrar of any diocese in which the accused held or holds preferment or in which he resided or resides at the date when the alleged offence was committed or at the date of such complaint.

(2) A complaint laid in accordance with the provisions of the preceding subsection shall be in writing in the prescribed form, contain the prescribed particulars of the offence the commission of which is alleged therein and be verified on oath.

(3) A copy of the complaint duly laid and verified shall be served on the accused forthwith after it is laid.

Persons by whom proceedings against a priest or deacon may be instituted.

19. Proceedings against a priest or deacon may be instituted by the following persons, that is to say:—

- (a) in all cases by an authorised complainant; or
- (b) in the case of any priest or deacon who is an incumbent of a parochial benefice, a stipendiary curate licensed to a benefice or a curate in charge of a conventional district, by six or more persons of full age whose names are on the electoral roll either of the parish of that benefice or of the district as the case may be; or
- (c) in the case of a stipendiary curate licensed to a benefice, by the incumbent of that benefice.

Persons by whom proceedings against an archbishop or bishop may be instituted.

20. Proceedings against an archbishop or a bishop may be instituted by the following persons, that is to say:—

- (a) in the case of an archbishop:—
 - (i) save in respect of any act or omission in relation to his duties as diocesan by not less than two of his comprovincial diocesan bishops; or

(ii) save in respect of any act or omission in relation to his duties as metropolitan by not less than ten persons of whom not less than five are incumbents in the diocese of the accused and not less than five are lay members of the diocesan conference of such diocese ; or

(b) in the case of a diocesan bishop other than an archbishop :—

(i) by an authorised complainant ; or

(ii) by not less than ten persons of whom not less than five are incumbents in the diocese of the accused and not less than five are lay members of the diocesan conference of such diocese ; or

(c) in the case of a suffragan bishop :—

(i) by the bishop who commissioned him ; or

(ii) by an authorised complainant ; or

(iii) by not less than ten persons of whom not less than five are incumbents in the diocese of the bishop by whom the accused is commissioned and not less than five are lay members of the diocesan conference of such diocese ; or

(iv) if he is the incumbent of a parochial benefice by six or more persons of full age whose names are on the electoral roll of that parish ; or

(d) in the case of any other bishop :—

(i) by the bishop of the diocese in which the accused holds preferment or resides ; or

(ii) by an authorised complainant ; or

(iii) if he is the incumbent of a parochial benefice by six or more persons of full age whose names are on the electoral roll of that parish.

21.—(1) For the purposes of the last two preceding sections of this Measure :—

Supplementary provisions in special cases.

(a) where a bishop, priest or deacon is an incumbent of or licensed to more than one parochial benefice or a parochial benefice which comprises more than one parish, each of the six or more persons empowered to institute proceedings under paragraph (b) of section nineteen or subparagraph (iv) of paragraph (c) and subparagraph (iii) of paragraph (d) of section twenty of this Measure may be on the electoral roll of any of the parishes comprised in those benefices or that benefice ; and

(b) a church designated and established as a guild church under the City of London (Guild Churches) Acts, 1952

PART III

and 1960, shall be deemed to be a parochial benefice and, accordingly, references in the said sections to the incumbent of a parochial benefice, to the electoral roll of a parish and to a stipendiary curate licensed to a benefice (whether parochial or not) shall, in the case of a guild church, be construed as references to the vicar of such church, to the church electoral roll thereof and to a curate licensed to assist the vicar thereof respectively.

(2) The provisions of paragraph (a) of the foregoing subsection shall apply in any case where a bishop or priest, as well as being licensed to a benefice, is licensed also to a conventional district, or to any such person as is licensed to more than one conventional district.

PART IV

CONDUCT OF PROCEEDINGS AGAINST PRIESTS OR DEACONS FOR OFFENCES UNDER THE MEASURE NOT INVOLVING MATTER OF DOCTRINE, RITUAL OR CEREMONIAL

Scope of Part IV

Scope of Part IV.

22. The provisions of this Part of this Measure shall have effect for the purpose of regulating proceedings against a priest or deacon against whom a complaint has been laid in accordance with the provisions of Part III of this Measure alleging the commission of an offence other than an offence involving matter of doctrine, ritual or ceremonial.

Procedure under Part IV after Laying of Complaint

Duty of diocesan upon the making of complaint.

23.—(1) Upon a complaint under Part III of this Measure of the nature specified in the foregoing section being duly laid and verified, the bishop of the diocese before whose registrar it is laid shall take it into consideration and, as soon as may be after a copy thereof has been served on the accused, shall afford to the accused and to the complainant an opportunity of being interviewed in private by him with respect to the matter of the complaint, and thereafter shall either—

- (a) decide that no further step be taken under this Part of this Measure in the matter of the complaint ; or
- (b) refer the complaint for inquiry by an examiner selected from a panel of examiners constituted in accordance with the provisions of section thirty of this Measure.

(2) Where, in pursuance of the foregoing subsection, the bishop of a diocese decides that no further step be taken in the matter of the complaint he shall forthwith give notice of his decision to the complainant and to the accused, and thereafter no further action shall be taken by any person in regard thereto.

24.—(1) It shall be the duty of the examiner to whom a complaint is referred under the last foregoing section to inquire into the complaint for the purpose of deciding whether there is a case to answer in respect of which the accused should be put on trial upon articles by a consistory court for any offence under this Measure which does not involve matter of doctrine, ritual and ceremonial.

PART IV
Inquiry into
complaint by
examiner.

(2) Either the accused or the complainant may, if he so desires, be assisted or represented by a friend or adviser at any inquiry.

(3) The complainant and the accused may lay before the examiner such evidence as they shall think fit, and such evidence shall be given by affidavit, but the examiner shall on the application of either party and may on his own motion request the person making such affidavit to attend the inquiry for the purpose of answering such questions on oath as may be put to him by the examiner or by or on behalf of any party, and unless such person shall attend the inquiry for that purpose his affidavit shall be disregarded:

Provided that the evidence of any person who is incapable of giving evidence on oath shall be given orally at the inquiry.

(4) If the examiner, after making due inquiry into the complaint, decides that there is a case to answer in respect of which the accused should be put on trial for any such offence as aforesaid, he shall declare his decision, specifying the offence.

(5) If the examiner, after making due inquiry into the complaint, decides that there is no case for the accused to answer, he shall declare his decision, and thereafter no further step shall be taken in regard thereto.

(6) The Examiner shall reduce his decision to writing and shall give a copy of it to the accused and to the bishop of the diocese before whose registrar the complaint was laid.

25. Where an examiner declares, in pursuance of subsection (4) of the last foregoing section, his decision that there is a case to answer in respect of which the accused should be put on trial for any such offence as aforesaid, the bishop of the diocese before whose registrar the complaint was laid shall nominate a fit person to promote a complaint against the accused in the consistory court of that diocese.

Appointment
of person to
promote
complaint.

26. Where a complaint is laid against a person by virtue of the foregoing provisions of this Part of this Measure, the articles may with the leave of the examiner or of the consistory court of the diocese include, either in substitution for or in addition to, particulars of the offence or offences specified by the examiner, particulars of any other offence founded on evidence disclosed in the course of the inquiry, not being particulars of an offence involving matter of doctrine, ritual or ceremonial.

Contents
of articles.

PART IV
Power of
chancellor
to nominate
trial judge
in lieu of
himself.

27.—(1) If the chancellor of a diocese is of opinion for any reason that, for the purposes of any proceedings under this Part of this Measure in the consistory court thereof, it is expedient that he should not preside over the court, he may so certify in writing to the bishop and may, with the written consent of the bishop, appoint another person who, in the opinion of the chancellor, possesses sufficient experience in criminal law and procedure and consents to such appointment, to preside over the court for the purpose of such proceedings, being a person who is himself qualified for appointment as chancellor of the diocese and who satisfies the bishop that he is a communicant.

(2) Any person appointed to preside over a court by virtue of the provisions of the foregoing subsection shall, before he does any act pursuant to such appointment, take and subscribe the oath and, if appropriate, make and subscribe the declaration required of the chancellor of a diocese by virtue of subsection (5) of section two of this Measure.

Conduct of
trial under
Part IV.

28. The following provisions shall have effect with respect to the trial under this Part of this Measure of a person by the consistory court of a diocese, namely,—

- (a) the procedure at the trial shall, so far as circumstances admit, and subject to any rules which may be prescribed, be the same as at the trial of a person by a court of assize exercising criminal jurisdiction;
- (b) the accused shall be entitled to be supplied with a copy of the articles;
- (c) the rules as to the admissibility of evidence and as to whether a witness is competent or compellable to give evidence shall be the same as those observed at the trial of a person by such a court of assize;
- (d) the registrar of the diocese shall give not less than fourteen clear days' notice of the sittings of the court to the person promoting the complaint and to the accused and at any sitting the court may proceed in the absence of the accused if satisfied that he was given adequate notice of such sitting;
- (e) the chancellor shall sit with four assessors appointed from a panel of assessors constituted in accordance with section thirty of this Measure, and the functions of the chancellor shall be the same as the functions of a judge of a court of assize exercising criminal jurisdiction, and shall include the obligation to sum up in open court, and the functions of the assessors, who must be unanimous, shall be the same as the functions of a jury in such a court;
- (f) the chancellor, if satisfied that it is in the interests of justice so to do, may give directions that during any

part of the proceedings such persons or classes of persons including the assessors as the court may determine shall be excluded ;

- (g) if the accused shall be found guilty of an offence charged the chancellor shall decide such censure therefor as is warranted by the following provisions of this Measure ;
- (h) the censure shall be reduced to writing by the court, shall be pronounced in open court by the person presiding over the court and shall not be invalid by reason only that it is not pronounced in the presence of the accused.

29. If, in the case of any trial under this Part of this Measure, **New Trial.** the assessors shall be unable to agree upon a verdict, the chancellor shall discharge them and in such event the chancellor, after such consultation with the parties or their representatives as he shall think appropriate and within the period of fourteen days from such discharge shall either order that the accused be tried again, in which event the chancellor shall give such directions as to the time and place of such trial as he shall think fit, or direct that there shall be no retrial and pronounce the accused to be acquitted of the offence or offences of which he is charged.

Examiners and Assessors

30.—(1) The panel of examiners for the purpose of holding inquiries under this Part of this Measure shall be constituted in accordance with the provisions of Part I of the Second Schedule to this Measure, and the examiner shall be selected from the panel in accordance with those provisions. **Constitution of panels of examiners and assessors, &c.**

(2) The provisions of Part II of that Schedule shall have effect for the purpose of providing the assessors with whom a consistory court is by virtue of section twenty-eight of this Measure required to sit.

Power of Diocesan to pronounce Sentence by Consent

31. Notwithstanding anything in the foregoing provisions of this Part of this Measure, where a complaint of the nature specified in section twenty-two thereof has been duly laid and verified the bishop of the diocese before whose registrar it was laid may at any time after consultation with the complainant and with the consent of the accused pronounce on him such censure as the bishop thinks fit, being one warranted by the following provisions of this Measure for pronouncement upon a person found guilty of an offence under this Measure and, where he pronounces such censure, no further step shall be taken in the matter of the complaint. **Power of diocesan to pronounce sentence by consent.**

PART V

CONDUCT OF PROCEEDINGS AGAINST BISHOPS FOR OFFENCES
UNDER THE MEASURE NOT INVOLVING MATTER OF DOCTRINE,
RITUAL OR CEREMONIAL*Scope of Part V*Scope of
Part V.

32. The provisions of this Part of this Measure shall have effect for the purpose of regulating proceedings against an archbishop or a bishop against whom a complaint has been laid in accordance with the provisions of Part III of this Measure alleging the commission of an offence other than an offence involving matter of doctrine, ritual or ceremonial.

*Procedure under Part V after Laying of Complaint*Inquiry into
complaint
by episcopal
committee.

33.—(1) Where a complaint under Part III of this Measure of the nature specified in the foregoing section is duly laid and verified, the following provisions of this section shall have effect.

(2) The complaint shall stand referred to a committee whose duty it shall be to inquire into the complaint for the purpose of deciding whether there is a case to answer in respect of which the accused should be put on trial upon articles, by a commission appointed under the following provisions of this Part of this Measure, for any offence under this Measure which does not involve matter of doctrine, ritual or ceremonial.

(3) The committee shall consist

(a) in the case of an archbishop, of the three senior provincial diocesan bishops of the relevant province, not being a bishop who laid, or was one of the bishops who laid, the complaint ; and

(b) in the case of any other bishop, shall consist of the archbishop of the relevant province and two diocesan bishops of that province appointed by such archbishop (not being any bishop who laid, or who was one of several persons who laid, the complaint or the accused, if he is a diocesan) ;

and the determination of any matter before the committee shall be according to the opinion of the majority of the members thereof.

(4) The committee shall summon to their assistance a barrister at law of not less than ten years standing or a person who has held high judicial office to sit with them and act as their assessor in matters of law and, before summoning such a person, the committee shall satisfy themselves that he is a communicant.

(5) Either the accused or the complainant may, if he so desires, be assisted or represented by a friend or adviser at any meeting of such a committee at which he is invited to be present.

PART V

(6) The complainant and the accused may lay before the committee such evidence as they shall think fit, and such evidence shall be given by affidavit, but the committee shall on the application of either party and may on its own motion request the person making such affidavit to attend the inquiry for the purpose of answering such questions on oath as may be put to him by the committee or by or on behalf of any party, and unless such person shall attend the inquiry for that purpose his affidavit shall be disregarded:

Provided that the evidence of any person who is incapable of giving evidence on oath shall be given orally at the inquiry.

(7) If the committee, after making due inquiry into the complaint, decide that there is a case to answer in respect of which the accused should be put on trial for any such offence as aforesaid, by a commission appointed under the following provisions of this Part of this Measure, they shall declare their decision, specifying the offence, and shall nominate a fit person to promote the complaint against the accused before the commission appointed under the provisions of section thirty-five of this Measure.

(8) If the committee, after making due inquiry into the complaint, decide that there is no case for the accused to answer, they shall declare their decision and thereafter no further step shall be taken in regard thereto.

(9) The committee shall reduce their decision to writing and shall send a copy thereof to the accused and (a) in the case of an archbishop, to the archbishop who is not accused, and (b) in the case of any other bishop, to the Upper House of the Convocation of the relevant province.

34. Where a complaint is laid against a person by virtue of the foregoing provisions of this Part of this Measure, the articles may with the leave of the committee which inquired into the complaint or of the commission appointed under the provisions of the next succeeding section include, either in substitution for or in addition to, particulars of the offence or offences specified by that committee, particulars of any offence founded on evidence disclosed in the course of the committee's inquiry, not being particulars of an offence involving matter of doctrine, ritual or ceremonial. Contents
of articles.

35. Where a committee inquiring into a complaint declare, in pursuance of subsection (7) of section thirty-three of this Measure, their decision that there is sufficient evidence to put the accused on trial— Appointment
of commission
of convocation.

(a) in the case of an archbishop, the Upper Houses of the Convocations of both provinces shall hold a meeting summoned by the archbishop who is not accused to meet under his chairmanship, and the meeting shall

PART V

appoint a commission consisting of the Dean of the Arches and Auditor, and four diocesan bishops chosen by the joint meeting of the two Upper Houses from amongst the diocesan bishops of both provinces, not being a bishop who laid, or was one of the bishops who laid, the complaint, or a member of the committee appointed under subsection (3) of section thirty-three of this Measure ;

- (b) in the case of a bishop the Upper House of Convocation of the relevant province shall appoint a commission consisting of the Dean of the Arches and Auditor and four of their members to try the accused not being a bishop who laid, or was one of the bishops who laid, the complaint or a member of the Committee appointed under subsection (3) of section thirty-three of this Measure.

Conduct of
trial by
commission of
convocation.

36. The following provisions shall have effect with respect to the trial of a person by a commission appointed under this Part of this Measure, namely :—

- (a) the Dean of the Arches and Auditor shall preside over the commission ;
- (b) the procedure at the trial shall, so far as circumstances admit, and subject to any rules which may be prescribed, be the same as at the trial of a person by a court of assize exercising criminal jurisdiction ;
- (c) the accused shall be entitled to be supplied with a copy of the articles ;
- (d) the rules as to the admissibility of evidence and as to whether a witness is competent and compellable to give evidence shall be the same as those observed at the trial of a person by such court of assize ;
- (e) the registrar of the relevant province shall give not less than fourteen clear days' notice of the sittings of the commission to the person promoting the complaint and the accused and at any sitting the commission may proceed in the absence of the accused if they are satisfied that he was given adequate notice of the sitting ;
- (f) the commission, if satisfied that it is in the interests of justice so to do, may give directions that during any part of the proceedings such persons or classes of persons as the commission may determine shall be excluded ;
- (g) the determination of any matter before the commission shall be according to the opinion of the majority of the members thereof ;

(h) the commission shall reduce their finding to writing, shall publish it to the accused and to such other persons as they think ought to have notice of it and shall send a copy of it in the case of an accused archbishop, to the archbishop of the other province, and in the case of any other bishop, to the archbishop of the relevant province.

PART V

37.—(1) In the case of an archbishop upon receipt by the archbishop who is not accused of a copy of the finding sent to him under paragraph (h) of the last foregoing section he shall lay it before a joint meeting of the Upper Houses of the Convocations of both provinces; and where the finding is one of guilt it shall be the duty of the joint meeting to resolve that the accused be censured in accordance with the following provisions of this Measure, and in such a case the censure shall be pronounced by the archbishop of the other province.

Proceedings in
Upper House
of Convocation
upon finding
of commission
of convocation.

(2) In the case of any other bishop upon the receipt of a copy of a finding by the archbishop of the relevant province he shall lay it before the Upper House of Convocation of that province; and where the finding is one of guilt it shall be the duty of that House to resolve that the accused be censured in accordance with the following provisions of this Measure, and in such a case the censure shall be pronounced by the archbishop of the relevant province.

PART VI

CONDUCT OF PROCEEDINGS AGAINST DEACONS, PRIESTS OR BISHOPS FOR OFFENCES UNDER THE MEASURE INVOLVING MATTER OF DOCTRINE, RITUAL OR CEREMONIAL

Scope of Part VI

38. The provisions of this Part of this Measure shall have effect for the purpose of regulating proceedings against a deacon, priest, bishop or archbishop against whom a complaint has been laid in accordance with the provisions of Part III of this Measure alleging the commission of an offence against the laws ecclesiastical involving matter of doctrine, ritual or ceremonial.

Scope of
Part VI.

Procedure under Part VI after Laying of Complaint

39.—(1) Upon a complaint under this Part of this Measure against a priest or deacon being duly laid and verified the bishop of the diocese before whose registrar it is laid shall take it into consideration and as soon as may be after a copy thereof has been served on the accused, shall afford to the accused and the complainant an opportunity of being interviewed in private

Duty of
diocesan upon
the making of
a complaint
against a
deacon
or priest.

PART VI

by him either separately or together as the bishop thinks fit with respect to the matter of the complaint, and thereafter shall either:—

- (a) decide that no further step be taken under this Part of this Measure in the matter of the complaint; or
- (b) refer the complaint for inquiry under the following provisions of this Part of this Measure.

(2) Where, in pursuance of the foregoing sub-section, the bishop decides that no further step be taken in the matter of the complaint he shall forthwith give notice of his decision to the complainant and to the accused and thereafter no further action shall be taken by any person in regard thereto.

Duty of archbishop upon the making of a complaint against a bishop.

40. Upon a complaint under this Part of this Measure against a bishop being laid and verified the archbishop of the relevant province shall have the same powers and duties in relation thereto as are conferred and imposed upon a diocesan bishop by the last preceding section in regard to a complaint against a priest or deacon and, according to his decision, the like consequences shall ensue as are referred to in such section.

Complaint against an archbishop to stand referred for inquiry.

41. A complaint against an archbishop of the nature referred to in section thirty-eight of this Measure duly laid and verified under this Part of this Measure shall thereupon stand referred for inquiry under the following provisions of this Part of this Measure.

Inquiry into complaint by committee of convocation.

42.—(1) Where, by virtue of the foregoing provisions of this Part of this Measure, a complaint is referred, or stands referred, for inquiry, the following provisions shall have effect.

(2) The reference shall be to a committee whose duty it shall be to inquire into the complaint for the purpose of deciding whether there is a case to answer in respect of which the accused should be put on trial upon articles by the Court of Ecclesiastical Causes Reserved, for any offence under this Measure involving matter of doctrine, ritual or ceremonial.

(3) The committee shall—

- (a) where the accused is a priest or deacon, consist of—
 - (i) one member of the Upper House of the Convocation of the relevant province, appointed by the archbishop;
 - (ii) two members of the Lower House of that Convocation, appointed by the prolocutor of that House; and
 - (iii) two chancellors of dioceses in that province, appointed by the Dean of the Arches and Auditor:

(b) where the accused is an archbishop or a bishop, consist of—

PART VI

(i) such even number of persons, to be appointed by the Upper House of the Convocation of the relevant province, as that House shall determine; and

(ii) the Dean of the Arches and Auditor or a deputy who is nominated by him and who shall make a declaration that he is a communicant being a person holding or having held high judicial office, or a barrister at law of at least ten years' standing;

and the determination of any matter before the committee shall be according to the opinion of the majority of the members thereof.

(4) Either the accused or the complainant may, if he so desires, be assisted or represented by a friend or adviser at any meeting of such a committee at which he is invited to be present.

(5) The complainant and the accused may lay before the committee such evidence as they shall think fit and such evidence shall be given by affidavit but the committee shall on the application of either party and may on its own motion request the person making such affidavit to attend the inquiry for the purpose of answering such questions on oath as may be put to him by the committee or by or on behalf of any party, and unless such person shall attend the inquiry for that purpose his affidavit shall be disregarded:

Provided that the evidence of any person who is incapable of giving evidence on oath shall be given orally at the inquiry.

(6) If the committee, after making due inquiry into the complaint, decide that there is a case for the accused to answer in respect of which he should be put on trial upon articles by the Court of Ecclesiastical Causes Reserved for any such offence as aforesaid, they shall declare their decision, specifying the offence.

(7) Where the committee decide as mentioned in the last foregoing subsection, but are of opinion on consideration of the evidence, of any statement made to them by the accused and of any representations made to them by the bishop of the diocese where the accused is a deacon or a priest—

(a) that the offence charged by the complaint is too trivial to warrant further proceedings thereon; or

(b) that the offence was committed under extenuating circumstances; or

(c) that further proceedings on the complaint would not be in the interests of the Church of England;

PART VI

they may dismiss the complaint and report to the Convocation of the relevant province that they have dismissed it and the ground on which they have taken that course.

(8) If the committee, after making due inquiry into the complaint, decide that there is no case for the accused to answer, they shall declare their decision.

(9) The committee shall reduce their decision, or decisions, to writing and shall send a copy thereof to the accused and to the Upper House of the Convocation of the relevant province and in the case of an accused archbishop, to the archbishop of the other province.

(10) Where the committee dismiss a complaint and report their dismissal of it under subsection (7) of this section or declare that there is no case for the accused to answer under subsection (8) of this section, no further step shall be taken in the matter of the complaint.

Appointment,
of person to
promote
complaint.

43. Where a committee inquiring into a complaint declare, in pursuance of subsection (6) of the last foregoing section, their decision that there is a case for the accused to answer and do not dismiss the same under subsection (7) of that section, the Upper House of the Convocation of the relevant province shall nominate a fit person to promote a complaint against the accused in the Court of Ecclesiastical Causes Reserved :

Provided that when the accused is an archbishop the Upper House of the Convocation of the relevant province shall for this purpose meet under the presidency of the senior diocesan bishop of that province and the accused archbishop shall take no part in the proceedings of the said meeting.

Contents
of articles.

44. Where a person is prosecuted by virtue of the foregoing provisions of this Part of this Measure, the articles may with the leave of the committee who inquired into the complaint or of the Court of Ecclesiastical Causes Reserved include, either in substitution for or in addition to, particulars of the offence or offences specified by that committee, particulars of any other offence founded on evidence disclosed in the course of the committee's inquiry, being particulars of an offence involving matter of doctrine, ritual or ceremonial.

Conduct of
trial under
Part VI.

45.—(1) The following provisions shall have effect with respect to the trial of a person by the Court of Ecclesiastical Causes Reserved under this Part of this Measure, namely:—

- (a) the procedure at the trial shall, so far as circumstances admit and subject to any rules which may be prescribed, be the same as at the trial of a person by a court of assize exercising criminal jurisdiction ;
- (b) the accused shall be entitled to be supplied with a copy of the articles ;

PART VI

- (c) the rules as to the admissibility of evidence and as to whether a witness is competent or compellable to give evidence shall be the same as those observed at the trial of a person by such a court of assize;
- (d) the registrar before whom the complaint was laid shall give not less than fourteen clear days' notice of the sittings of the court to the promoter thereof and to the accused and at any sitting the court may proceed in the absence of the accused if satisfied that he was given proper notice of the sitting;
- (e) the court, if satisfied that it is in the interests of justice so to do, may give directions that during any part of the proceedings such person or persons as the court may determine shall be excluded;
- (f) the determination of any matter before the court shall be according to the opinion of the majority of the members thereof;
- (g) if the accused shall be found guilty of an offence charged, the court shall decide such censure therefor as is warranted by the following provisions of this Measure;
- (h) the censure shall be reduced to writing by the court, shall be pronounced in open court by the person presiding over the court and shall not be invalid by reason only that it is not pronounced in the presence of the accused.

(2) For the purposes of this section it shall be the duty of the Upper Houses of the Convocations of Canterbury and York jointly to draw up, with the approval of the Lower Houses of those Convocations, and from time to time to revise, with the like approval, a panel of persons each of whom shall be an eminent theologian or an eminent liturgiologist, and the Court of Ecclesiastical Causes Reserved shall, when trying a person sit with not less than three nor more than five advisers selected by the Dean of the Arches and Auditor from amongst the members of the panel.

(3) In the exercise of its jurisdiction under this Measure the Court of Ecclesiastical Causes Reserved shall not be bound by any decision of the Judicial Committee of the Privy Council in relation to matter of doctrine ritual or ceremonial.

PART VII

OTHER PROCEEDINGS

46.—(1) Proceedings in the consistory court of a diocese other than those falling within paragraph (a) of subsection (1) of section six of this Measure shall be heard and disposed of by the chancellor of the diocese:

Proceedings in consistory court not falling within Part IV.

Provided that proceedings in a cause of faculty may be heard and disposed of by the bishop of the diocese alone or with the

PART VII chancellor if, and in so far as, provision in that behalf is made in the letters patent by which the chancellor of the diocese is appointed.

(2) Subject to the provisions of the proviso to section sixty-nine of this Measure proceedings to which this section applies other than those falling within paragraph (b) of subsection (1) of section six of this Measure shall be instituted and conducted in such manner as may be prescribed.

Proceedings
in Arches and
Chancery
Courts.

47.—(1) Proceedings in the Arches Court of Canterbury or the Chancery Court of York by way of appeal from a judgment of the consistory court of a diocese given in such proceedings as are mentioned in paragraph (a) of section six of this Measure shall be heard and disposed of by all the judges of the Court and any other proceedings in either of those Courts shall be heard and disposed of by the Dean of the Arches and Auditor.

(2) Subject to the provisions of the proviso to section sixty-nine of this Measure proceedings in the said Courts shall be instituted and conducted in such manner as may be prescribed.

Proceedings
before
Commissions
of Review.

48.—(1) Subject to the following provisions of this section all proceedings before a Commission of Review shall be instituted and conducted in such manner as may be prescribed.

(2) In order to give assistance to any Commission of Review in reviewing any decision of the Court of Ecclesiastical Causes Reserved involving a question of doctrine the Upper Houses of the Convocations of the Provinces of Canterbury and of York shall jointly appoint a panel of persons consisting of members of either of the Upper Houses and also if thought fit of theologians who are not members of either of the Upper Houses in such numbers as the Upper Houses may jointly determine.

(3) When any review by a Commission of Review involves a question of doctrine the Commission shall request five persons selected by it from the panel appointed under subsection (2) of this section to sit with it as advisers and to give such assistance on the matters of doctrine involved in the review as the Commission may require.

(4) The judgment of the Commission shall be according to the opinion of the majority of the members thereof and each member of the Commission shall state his own opinion on the question under review.

(5) In the exercise of its jurisdiction under this Measure a Commission of Review shall not be bound by any decision of the Judicial Committee of the Privy Council in relation to matter of doctrine, ritual or ceremonial.

(6) A decision of a previous Commission of Review shall be binding on a Commission subsequently appointed in any matter which shall, by virtue of this Measure, be within the jurisdiction of such Commission except in regard to a matter on which new information or evidence is adduced which was not before the Commission on the previous occasion.

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PART VIII

CENSURES

49.—(1) The censures to which a person found guilty of an offence under this Measure renders himself liable are the following, namely,— Censures.

- (a) deprivation, that is to say, removal from any preferment which he then holds and disqualification from holding any other preferment except as hereinafter provided, and if he holds no preferment at the time the censure is pronounced, disqualification from holding any preferment in the future except as hereinafter provided ;
- (b) inhibition, that is to say, disqualification for a specified time from exercising any of the functions of his Order ;
- (c) suspension, that is to say, disqualification for a specified time from exercising or performing without leave of the bishop any right or duty of or incidental to his preferment or from residing in the house of residence of his preferment or within such distance thereof as shall be specified in the censure ;
- (d) monition that is to say an order to do or refrain from doing a specified act ;
- (e) rebuke.

(2) Where a censure of suspension or inhibition has been pronounced against any person, he shall not be readmitted to his benefice or permitted to exercise the functions of his order unless he satisfies the bishop (or, where the person is himself a bishop, the Upper House of the Convocation of the relevant province) of his good conduct during the term of his suspension or inhibition.

(3) Where the offence of which the accused is found guilty is one involving matter of doctrine, ritual or ceremonial no censure more severe than monition shall be imposed unless the Court is satisfied that the accused has already been admonished on a previous occasion in respect of another offence of the same or substantially the same nature.

(4) No censure of deprivation on any archbishop or bishop or on any person in respect of any preferment the right to appoint to which is vested in Her Majesty (not being a parochial

PART VIII

benefice) shall have effect unless and until Her Majesty by order in Council shall confirm the same.

(5) Where by virtue of any censure of deprivation a bishop, priest or deacon is disqualified from holding any preferment, the disqualification shall not extend to a preferment to which the bishop of a diocese, with the consent of the archbishop of the relevant province and in the case of a priest or deacon of the bishop of the diocese in which the proceedings were instituted, shall appoint him, and shall cease upon the occasion of any such appointment if the archbishop when consenting thereto shall so direct.

(6) Not more than one censure shall be imposed in respect of any one offence save that when a censure of suspension is pronounced a censure of inhibition may be pronounced for the same period.

Power of bishop to depose priest or deacon from Holy Orders.

50. When a censure of deprivation is pronounced on any priest or deacon the bishop of the diocese may by sentence without any further legal proceedings depose him from Holy Orders and the sentence of deposition shall be recorded in the registry of the diocese :

Provided that before depositing him from Holy Orders the bishop shall serve on the priest or deacon concerned and on the provincial registrar of the relevant province a written notice in the prescribed form of his intention so to depose him and within the period of one month from the date of such notice the said priest or deacon may appeal to the archbishop of the relevant province or, if the diocesan be the archbishop, to the archbishop of the other province in such manner as may be prescribed and the diocesan shall not proceed so to depose him until the time for the making of such appeal has passed or, in the event of an appeal being made, unless or until it shall have been dismissed.

Power to depose archbishop or bishop from Holy Orders.

51. Where a censure of deprivation is pronounced in pursuance of proceedings under this Measure on an archbishop or bishop the Upper House of Convocation of the relevant province may by resolution depose him from Holy Orders :

Provided that before any motion for such a resolution is put to the Upper House a notice in the prescribed form shall be served on the archbishop or bishop concerned and the House shall consider any written representations made to it by such archbishop or bishop within one month of the service of such notice and afford him an opportunity of being heard before it personally.

Effect of deposition.

52. When a person is deposed from Holy Orders the like consequences shall ensue as by paragraph (3) of section four of the Clerical Disabilities Act, 1870 would ensue, if, more than six months before the day on which such disqualification takes

effect, he had executed a deed of relinquishment in the form set out in the Second Schedule to that Act and done the things prescribed by section three thereof and the bishop had on that day caused the deed to be registered in the registry of his diocese. PART VIII

53. Where by virtue of anything done under this Measure an archbishop, bishop or other clergyman is deprived or deposed his incapacities shall cease if he receives a free pardon from the Crown, and he shall be restored to any preferment he previously held if it has not in the meantime been filled. Restoration on pardon.

54. A person who performs in the Church of England any function which, under a censure pronounced upon him by virtue of this Measure, he is disqualified from performing shall be guilty of an offence under this Measure. Disobedience to censure.

PART IX

DEPRIVATION CONSEQUENT UPON CERTAIN JUDGMENTS, ORDERS OR DECREES OF SECULAR COURTS

55.—(1) Subject to the provisions of this subsection in any case in which a priest or deacon against whom proceedings may be instituted under this Measure— Deprivation of priest or deacon following judgments, &c., of secular courts.

- (a) is convicted of treason or felony, or is convicted on indictment of a misdemeanour, and on any such conviction is sentenced to imprisonment or any greater punishment; or
- (b) has an order under the Acts relating to the affiliation of children made against him; or
- (c) has a decree of divorce or order of judicial separation pronounced against him on the ground of adultery, desertion, cruelty, rape, sodomy or bestiality; or
- (d) is found to have committed adultery in a divorce or matrimonial cause; or
- (e) has a matrimonial order made against him under the Matrimonial Proceedings (Magistrates' Courts) Act, 1960, on any of the grounds of complaint specified in Part I of the Third Schedule to this Measure;

then, within twenty-one days after the date on which the conviction order or finding becomes conclusive and without further trial, the bishop shall—

- (i) declare him to be deprived as from the date aforesaid of the preferment (if any) then held by him; and
- (ii) whether or not he then holds preferment, declare him to be disqualified (save as in this Measure mentioned) from holding preferment:

Provided that where such a decree or order as is mentioned in paragraph (c) of this subsection is grounded on a finding of desertion or cruelty then the bishop may, if he thinks it proper

PART IX

to do so, refer the matter to the archbishop of the relevant province and if such archbishop, on consideration of all the circumstances of the case, so allows, no such declaration of deprivation and disqualification shall be made and the bishop shall thereupon so inform the priest or deacon against whom the decree or order has been made.

(2) If the bishop shall have failed for any reason to make a declaration in accordance with the foregoing subsection the archbishop of the relevant province shall himself make the declaration, save that in the case of a decree or order to which the proviso to that subsection applies the archbishop on consideration of all the circumstances of the case may refrain from making the declaration, and shall thereupon so inform the priest or deacon against whom the decree or order has been made.

(3) In any case in which a priest or deacon against whom proceedings may be instituted under this Measure has made against him an order under section twenty-three of the Matrimonial Causes Act, 1950, or a matrimonial order under the Matrimonial Proceedings (Magistrates' Courts) Act, 1960, on any of the grounds specified in Part II of the Third Schedule to this Measure then, within twenty-one days after the date on which the order becomes conclusive and without further trial, the bishop may make such declarations depriving and declaring him to be disqualified from holding preferment as are specified in subsection (1) of this section but it shall not be obligatory on the bishop so to do.

Deprivation of archbishop or bishop following judgments &c. of secular courts.

56. When such a conviction, order or finding as is mentioned in subsection (1) or (3) of the last foregoing section becomes conclusive in respect of a bishop or an archbishop against whom proceedings may be instituted under this Measure similar declarations as are mentioned in that section shall forthwith be made—

- (a) in the case of a bishop, by the archbishop of the relevant province; and
- (b) in the case of an archbishop, by the archbishop of the other province;

and such declarations shall be made notwithstanding the fact that if such a conviction, order or finding had been made against a priest or deacon, the bishop either could have referred the matter to the archbishop of the relevant province or would not have been obliged to make the declaration.

Consequences of declarations under this Part of this Measure.

57. Where a declaration of deprivation or of disqualification is made against any person pursuant to the provisions of either of the last two foregoing sections, such declaration shall have effect subject to the provisions of Part VIII of this Measure, and the like consequences shall ensue in all respects as if such person had been found guilty of an offence under this Measure and such a censure had been pronounced against him.

PART X

COSTS

58. The Commissioners may at their absolute discretion pay out of their general fund the whole or contribute any part of costs and expenses which have been incurred by—

Payment of costs of bishop and promoter by Commissioners.

(a) any archbishop or bishop (other than an archbishop or bishop himself accused of an offence cognisable under section fourteen of this Measure in relation to the costs and expenses incurred as a result of such accusation)—

(i) in or in relation to or directly or indirectly arising out of legal proceedings authorised, taken or contemplated in any court or before any commission, committee or examiner (and notwithstanding that proceedings are not eventually taken) by any person in respect of any offence cognisable under section fourteen of this Measure, or

(ii) in relation to any declaration made or to be made in accordance with the provisions of Part IX of this Measure ; and

(b) any person nominated under the provisions of this Measure to promote proceedings in respect of any such offence as is mentioned in the foregoing subsection :

Provided that the Commissioners before paying the whole or any part of any costs and expenses in pursuance of this section shall first be satisfied that they are reasonable in amount.

59.—(1) The Church Assembly shall constitute and maintain a Legal Aid Fund to which the Church Assembly and the Commissioners may contribute such sums as each shall from time to time decide and which shall be held by the Central Board on behalf of the Church Assembly.

Legal Aid.

(2) A Legal Aid Committee shall be appointed by the Standing Committee of the Church Assembly consisting of such persons as the Standing Committee shall decide, which shall be charged with the duty of administering the Fund and, subject to and in accordance with rules made by the Church Assembly, the Central Board may pay out of that Fund in accordance with the certificate in writing of such committee the whole or such part as such certificate may authorise of the costs of any complainant or accused person in or in relation to or directly or indirectly arising out of any legal proceedings authorised, taken or contemplated in any court or before any commission, committee or examiner (and notwithstanding that proceedings are not eventually taken) in respect of any offence under this Measure.

PART X

(3) Every rule purporting to be made in pursuance of this section shall be laid before the Church Assembly and shall not come into operation until it shall have been approved by the Church Assembly.

Powers of courts and commissions in regard to costs.

60.—(1) Any court or commission having jurisdiction under this Measure shall have power at any stage of the proceedings to order any party to give security for costs.

(2) Any court, commission, committee or examiner shall have power at its discretion to make an order for payment of taxed costs against any party and may take into account the fact that the whole or part of the costs of a complainant or accused person are being or have been met out of the Fund established under the preceding section.

(3) An award of costs to any person under the last foregoing subsection may direct that, instead of taxed costs, that person shall be entitled—

(a) to a proportion specified in the direction of the taxed costs or to the taxed costs from or up to a stage of the proceedings so specified ; or

(b) to a gross sum so specified in lieu of taxed costs.

(4) In this section the expression “costs” includes fees, charges, disbursements, expenses and remuneration and the expression “taxed costs” means costs taxed by a registrar in the prescribed manner.

Recovery of costs.

61.—(1) Where an order or direction for the payment of costs is made against any person under the last foregoing section such costs may be recovered by the person in whose favour the order for payment of costs is made by proceedings in the county court of the district in which the award or direction was made or, if the sum recoverable exceeds the amount which under any enactment for the time being in force is recoverable in the county court in respect of a contract debt, then by proceedings in the High Court of Justice, in either case in all respects as if the said sum was a contract debt payable by the person against whom the order was made.

(2) In any proceedings in a civil court for recovery of costs a certificate purporting to be signed by the registrar of the diocese or province within which the relevant award or direction for payment of costs was made, stating that the sum specified in the certificate is the sum due to be paid by the person mentioned therein pursuant to an order or direction for payment of costs under the last foregoing section, shall be conclusive evidence of the facts so certified.

62.—(1) Save in so far as the same shall be payable by any other person under this Measure or any order or rule for the time being in force, the Central Board shall pay the costs and expenses of all courts, commissions, committees and examiners constituted or appointed under this Measure for the purpose of proceedings in respect of offences cognisable under section fourteen thereof:

PART X
Payment of expenses of courts, &c. by Central Board.

Provided that the Central Board before paying the whole or any part of any costs and expenses in pursuance of this section shall first be satisfied that they are reasonable in amount.

(2) The Commissioners shall have power from time to time at their absolute discretion to contribute out of their general fund such sums as they shall think fit in relief of the liability of the Central Board under the foregoing subsection.

63. The fees to be demanded, taken and received by any legal officer as remuneration for the performance by him of the duties of his office in or in connection with any proceedings or contemplated proceedings or otherwise under or arising out of the provisions of this Measure shall be fixed in manner provided by the Ecclesiastical Fees Measure, 1962, notwithstanding the fact that he is not a legal officer within the meaning of subsection (2) of section one of that Measure.

Fees payable in or in connection with proceedings under this Measure.

PART XI

RULE COMMITTEE

64.—(1) There shall be a Rule Committee which shall consist of the following persons, namely:—

The Rule Committee.

The Lord Chancellor, who shall be the Chairman of the Committee;

The Archbishop of Canterbury or a member of the Upper House of the Convocation of his Province appointed by him;

The Archbishop of York or a member of the Upper House of the Convocation of his Province appointed by him;

Two persons appointed by the Lord Chancellor of whom at least one shall hold, or have held, high judicial office;

The Dean of the Arches and Auditor;

The Prolocutor of the Lower House of the Convocation of Canterbury or a member of that House appointed by him;

The Prolocutor of the Lower House of the Convocation of York or a member of that House appointed by him;

The provincial registrars of the provinces of Canterbury and York;

PART XI

One chancellor and one diocesan registrar from each province to be appointed by the archbishop of that province.

(2) Any five members of the Rule Committee, one of whom shall be the Lord Chancellor or one of the persons appointed by him, may exercise all the powers of the Rule Committee.

(3) In the absence of the Lord Chancellor from any meeting of the Rule Committee, the chair shall be taken by a person who holds or has held high judicial office appointed a member of the Committee by the Lord Chancellor.

Functions
of the Rule
Committee.

65.—(1) Subject to the provisions of this Measure the Rule Committee may make rules for carrying this Measure into effect and for all matters not otherwise provided for, incidental to or connected with the administration of justice under this Measure and in particular for regulating (so far as the same are not regulated by this Measure)—

- (a) the procedure and practice of all courts, commissions, committees and examiners provided for in this Measure including courts of appellate jurisdiction (so far as rules made by the Judicial Committee of the Privy Council do not extend);
- (b) the appointment and duties of officers of the said courts, commissions and committees;
- (c) the time within which any act required or permitted to be performed by this Measure is to be performed;
- (d) matters relating to the appointment of authorised complainants and prosecutors in connection with proceedings or contemplated proceedings under this Measure;
- (e) the forms of complaint instituting proceedings under this Measure and of any answers to be made thereto;
- (f) all other forms and notices required in connection with this Measure;
- (g) the mode of effecting service of complaints, articles or other documents including provision for substituted service;
- (h) the fixing of the time and place of any hearing or trial and for notifying the parties thereof; and
- (i) the passing of censures and the forms of certificates of findings;
- (j) matters relating to costs, fees and expenses in respect of any proceedings under this Measure.

(2) Every rule purporting to be made in pursuance of this section shall be laid before the Church Assembly, and shall not come into operation until it has been approved by the Church Assembly.

(3) The Statutory Instruments Act, 1946, shall apply to any Rules approved by the Church Assembly under the last foregoing subsection as if they were Statutory Instruments and were made when so approved, and as if this Measure were an Act providing that any such Rules should be subject to annulment in pursuance of a Resolution of either House of Parliament.

PART XI

(4) Pending the making by the Rule Committee of rules to regulate the procedure of any consistory court or of the Arches Court of Canterbury or the Chancery Court of York and subject thereto, the rules regulating the procedure of those courts immediately before the commencement of this Measure shall continue in full force and effect.

PART XII

MISCELLANEOUS AND GENERAL

66.—(1) In this Measure unless the context otherwise requires Interpretation. the following expressions have the meanings hereby assigned to them respectively, namely:—

“ authorised complainant ” means a person authorised by a bishop to lay a complaint under Part III of this Measure or, in the case of proceedings against a bishop, a person authorised by the archbishop of the province ;

“ benefice ” includes all rectories with cure of souls vicarages perpetual curacies endowed public chapels and parochial chapelries and chapelries or districts belonging or reputed to belong or annexed or reputed to be annexed to any church or chapel or districts formed for ecclesiastical purposes by virtue of statutory authority and includes benefices in the patronage of the Crown or of the Duchy of Cornwall but does not extend to any Royal peculiar nor to any cathedral or capitular preferment or dignity, nor to any chapel belonging to any college school hospital inn of court asylum or public or charitable institution nor to any private chapel ;

“ the Central Board ” means the Central Board of Finance of the Church of England ;

“ the Commissioners ” means the Church Commissioners for England ;

“ communicant ” means a person who has received communion according to the use of the Church of England or of a church in communion therewith at least once within the twelve months preceding the date of his declaration that he fulfils that requirement, or if a declaration is not required of him, at least once within

PART XII

the twelve months preceding the date upon which he is offered the appointment or requested to act in a capacity for which that qualification is required ;

“ diocese ” means a diocese in the province of Canterbury or a diocese (other than Sodor and Man) in the province of York and “ diocesan ” shall be construed accordingly ;

“ high judicial office ” has the meaning assigned to it by section twenty-five of the Appellate Jurisdiction Act, 1876 ;

“ preferment ” includes an archbishopric, a bishopric, archdeaconry, dignity or office in a cathedral or collegiate church, and a benefice, and every curacy, lectureship, readership, chaplaincy, office or place which requires the discharge of any spiritual duty ;

“ prescribed ” means prescribed by rules made under this Measure ;

“ relevant province ” in relation to—

(a) a House of Convocation ;

(b) a diocese comprised in a province ;

(c) a court having jurisdiction in a province ; and

(d) a person holding any office or preferment or residing in any such diocese or province at any time ;

means, according to the context, the province of Canterbury or the province of York as the case may be.

(2) In this Measure, except and where the context otherwise requires, references to the consistory court of a diocese and to the chancellor of a diocese shall, in their application to the diocese of Canterbury, be construed as references to the commissary court thereof and to the commissary general of such court respectively.

(3) For the purposes of this Measure an extra-diocesan place (including any place exempt or peculiar other than a Royal Peculiar) which is surrounded by one diocese shall be deemed to be situate within that diocese, and an extra-diocesan place which is surrounded by two or more dioceses shall be deemed to be situate within such one of them as the archbishop of the relevant province may direct.

(4) Nothing in this section shall prejudice or affect the provisions of subsection (2) of section six of this Measure.

67. For the purposes of this Measure the seniority of diocesan bishops (other than archbishops) shall be determined in accordance with the following rules :—

(a) the bishops of London and Winchester (in that order) shall be treated as senior to all their comprovincial diocesans ;

Rules for determining seniority of diocesan bishops.

- (b) the bishop of Durham shall be treated as senior to all his comprovincial diocesans ;
- (c) subject to the two foregoing rules the seniority of comprovincial diocesans as between each other shall be determined by reference to the length of time that each of them has held office as diocesan in either province without interruption from any cause.

68.—(1) Subject to the following provisions of this section during the vacation of the see of the bishop of a diocese anything required or authorised by this Measure to be done by, to or before him shall be done or, as the case may be, may be done, by, to or before the person to whom the guardianship of the spiritualities of the diocese belongs during the vacation. Exercise of powers of diocesans during vacation of sees.

(2) Where during the vacation of a see the guardianship of the spiritualities is vested in a dean and chapter, the powers and duties invested in or imposed on such guardian under the foregoing subsection shall be exercised and carried out by a commissary appointed by the dean and chapter for that purpose.

(3) The foregoing subsection shall not apply to anything required or authorised to be done by virtue of paragraph (a) of subsection (1) of section twenty of this Measure or the proviso to subsection (1) of section forty-six thereof.

69. No proceedings by way of a criminal suit, other than those authorised by Parts IV, V and VI of this Measure, shall be instituted against a person in the consistory court of a diocese or in the Court of Ecclesiastical Causes Reserved, and no proceedings so authorised shall be instituted except in accordance with those Parts of this Measure : Criminal proceedings in ecclesiastical courts to be taken only in accordance with this Measure.

Provided that when at the coming into force of this Measure proceedings are pending against any person under any Act or Measure repealed by this Measure such proceedings shall not abate by reason only of such repeal and shall continue as if this Measure had not been passed nor shall any right of appeal in such proceedings be affected by such repeal.

70. A person nominated under Part IV, V or VI of this Measure to promote a complaint against an accused person shall have the right to do so to the exclusion of all others. Nominated persons to have exclusive right to promote complaint.

71.—(1) Where a censure of suspension or inhibition is pronounced against an archbishop the archbishop of the other province shall perform the functions which the archbishop against whom the censure of suspension or inhibition has been pronounced is unable to perform on account of such censure. Performance of ecclesiastical duties during suspension or inhibition.

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(2) Where a censure of suspension or inhibition is pronounced against a diocesan bishop, the archbishop of the relevant province may appoint another bishop to perform during the period of suspension or inhibition the functions the performance of which the diocesan bishop against whom the censure of suspension or inhibition has been pronounced is unable to perform on account of such censure.

(3) Where a censure of suspension or inhibition is pronounced against a suffragan bishop, the diocesan bishop by whom he is commissioned may appoint another bishop to perform during the period of suspension or inhibition the functions which the suffragan bishop against whom the censure of suspension or inhibition has been pronounced is unable to perform on account of such censure.

(4) When a censure of suspension or inhibition is pronounced against any priest or deacon, it shall be lawful for the bishop in whose diocese such person holds preferment to appoint some person or persons to perform the duties of the preferment; and in all such cases the bishop may assign such part of the net stipend of the benefice as he may think fit and may, if necessary, sequester the profits of the benefice for the payment of the stipend so assigned.

Occupation of parsonage house by person appointed by bishop.

72.—(1) A bishop who has appointed a person to perform the duties of any benefice under subsection (4) of section seventy-one of this Measure may require such person to reside in the parsonage house belonging thereto, and may assign to him the use of such parsonage house, together with the offices, gardens and appurtenances thereto belonging, or any part or parts thereof, without payment of any rent.

(2) A person residing in the parsonage house under the provisions of this section shall be liable to pay the rates payable in respect of such house, and such part of the assessment in respect thereof under the Ecclesiastical Dilapidations Measures, 1923 to 1951, as the Diocesan Dilapidations Board may decide to be reasonable, and any sequestrator appointed during any suspension or inhibition under this Measure shall have power to deduct from the stipend of such person any payments for which he shall be liable under this subsection.

(3) The bishop shall have power in any case in which possession of the premises allocated to any person under the provisions of this section is not given up to him, and until such possession shall be given up, to direct that the profits of the benefice arising from the sequestration thereof under this Measure be applied subject to the provisions thereof as if the same arose under a sequestration for non-residence.

(4) A right of residence and any other right vested in a person under the provisions of this section shall determine upon the determination of his appointment.

73. In any case in which pursuant to the provisions of this Measure, an appeal is lodged against a judgment order or decree of any court or commission constituted under this Measure in proceedings charging an offence or claiming a penalty or forfeiture against a clergyman, the censure or award of the court or commission from whose judgment order or decree the appeal is made shall be suspended until the appeal is determined, but an appeal shall not affect an inhibition *pendente lite* under section seventy-seven of this Measure.

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Suspension of
censure
pending
appeal.

74.—(1) In any case in which by reason of a censure pronounced against him a person is suspended or inhibited under this Measure from discharging all or any of the duties attached to any office held by him:—

Restrictions
during a
period of
suspension or
inhibition.

- (a) he shall not interfere with any other person who may be appointed to discharge any of the said duties ;
- (b) subject to the provisions of the following subsection he shall not reside in or occupy any house of residence belonging to his office ; and
- (c) he shall not be liable under any penalty or forfeiture for non-residence.

(2) In the case of an incumbent of a parochial benefice the bishop may for special reasons permit him to reside in or occupy such house of residence or some part thereof.

(3) In the case of such an incumbent, subject to any direction to the contrary given by the bishop, he shall not receive any part of the income of the benefice while he remains resident within a distance of ten miles from the parish or other principal church of the parish or other area in which, prior to the commencement of the period of inhibition, he had the cure of souls.

75. Where by virtue of anything in or done under this Measure any preferment is vacant the time for lapse shall run from the date on which the prescribed notice of the vacancy is given.

Provisions as
to lapse on
avoidance of
preferment.

76.—(1) In any case in which by virtue of a censure pronounced against him a person is suspended or inhibited under this Measure from discharging all or any of the duties attaching to his preferment, any right of patronage vested in him by virtue of his preferment shall, during the period of suspension or inhibition, and subject to the provisions of the following subsection, vest in the person entitled to appoint to such preferment and so that in the case of a diocesan bishop, any such right of patronage shall vest in the archbishop of the relevant province, and, in the case of an archbishop, shall vest in the archbishop of the other province.

Rights of
patronage
during
suspension or
inhibition.

PART XII

(2) In any case in which an incumbent is himself the patron of his benefice, the right of patronage of such benefice shall, so long as the period of suspension or inhibition remains in force, vest in the archbishop of the relevant province.

Inhibition
pendente lite.

77.—(1) In every case in which a priest or deacon is accused of an offence under this Measure, or in a temporal court, of any criminal offence or any act constituting an ecclesiastical offence, and it shall appear to any bishop in whose diocese the accused holds any preferment that from the nature of the offence charged it is desirable in the interests of the Church that he should take action under this section, it shall be lawful for such bishop at any time during which proceedings in respect of any such charge are pending to cause a notice to be served on such clerk inhibiting him from performing any services of the Church within his diocese from and after the date specified in such notice, and such inhibition shall extend until the said proceedings are concluded.

(2) When a notice in accordance with the foregoing subsection is served upon a priest who is the incumbent of a benefice, it shall be lawful for such priest within fourteen clear days after service of the said notice to nominate to the bishop a fit person or persons to perform all such services of the Church during the period in which he shall be inhibited as aforesaid, and if the bishop shall deem the person or persons so nominated fit for the performance of such services, he shall grant his licence to him or them accordingly.

(3) During any period before a person is nominated pursuant to the last foregoing subsection or in case a person shall not be so nominated, or in case the bishop shall not deem the person or persons so nominated fit for the performance of such services, the bishop shall make such provision for the services of the Church as to him shall seem necessary.

(4) The bishop may at any time revoke a notice of inhibition or a licence granted by him under the powers conferred on him by this section, and if he revokes such licence he shall forthwith serve a notice of such revocation on the person to whom the licence was granted, and on the incumbent of the benefice, and subsections (2) and (3) of this section shall apply as if such notice were a notice served under subsection (1) of this section.

(5) Where a priest or deacon is inhibited under the provisions of this section he shall not interfere with any person performing the services of the Church under the provisions of subsection (2) or (3) of this section.

Recording of
declarations,
resolutions
and censures.

78. Any declaration or resolution made by a bishop, or by an archbishop, or by an Upper House of Convocation or any censure pronounced by any court, pursuant to the provisions of this Measure shall be recorded in the diocesan registry concerned or in the provincial registry of the relevant province as the case may be.

79.—(1) A conviction, order or finding shall become **conclusive** for the purposes of this Measure—

PART XII
When convictions, orders or findings are to be deemed conclusive.

- (a) where there has been an appeal, upon the date on which the appeal is dismissed or abandoned or the proceedings on appeal are finally concluded, but, if varied on appeal, shall be conclusive only as so varied, and so far as it is reversed on appeal shall cease to have effect ;
- (b) if there is no such appeal, upon the expiration of the time limited for such appeal, or where no time is so limited, of two months from the date of the conviction, order or finding ; and
- (c) in the case of a conviction or order against which there is no right of appeal from the date of the conviction or order.

(2) After the conviction of a clerk in Holy Orders or order or finding against such a person by or of a temporal court becomes conclusive a certificate of such conviction order or finding shall be conclusive proof in an ecclesiastical court that he has committed the act therein specified.

(3) In the event of any such conviction by or order or finding by or before a temporal court as makes a clerk in Holy Orders subject to removal from any preferment, or renders him liable to prosecution under this Measure, the court shall cause the prescribed certificate of the conviction order, or finding to be sent to the bishop of the diocese in which the court sits, and such certificate shall be preserved in the registry of the diocese, or of any other diocese to which it may be sent by the direction of the bishop.

80. Any court, commission, committee or inquiry established or held by or under the provisions of this Measure may be held in any place convenient to the court, commission, committee or person holding the inquiry, due regard being paid to the convenience of parties and witnesses.

Place where courts, &c. are to sit.

81.—(1) Any court or commission established under this Measure shall have the same powers as the High Court in relation to the attendance and examination of witnesses and the production and inspection of documents.

Evidence and general powers and rights of courts and commissions.

(2) Subject to the provisions of the next following subsection any act or omission in connection with proceedings before any such court or commission which if occurring in connection with proceedings in the High Court would have been a contempt of the High Court shall be a contempt of such court or commission.

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(3) Any proceedings in respect of such contempt shall be brought in the High Court, and the High Court shall have in relation thereto the same jurisdiction and powers as if the contempt had been a contempt of the High Court.

Abolition
of obsolete
jurisdictions,
courts, &c.

82.—(1) The power of Her Majesty in Council to hear and determine a suit of *duplex querela* and the powers of the archbishop of Canterbury to cite a bishop for an offence against the laws ecclesiastical and to cite any other person for heresy are hereby determined.

(2) There are hereby abolished—

- (a) the Courts of Audience and, subject to the provisions of the next following section, archdeacons courts,
- (b) all original jurisdiction exercisable by the Arches Court of Canterbury and the Chancery Court of York, and
- (c) the jurisdiction of consistory courts to hear and determine proceedings for the recovery of tithe or against lay officers of a church or by way of suit for perturbation of seat.

(3) Mortuaries (or corse-presents), synodals, procurations and pentecostals shall cease to be exigible.

(4) No person shall be liable to suffer imprisonment in consequence of being excommunicated.

Savings.

83.—(1) Any judge or registrar of an ecclesiastical court appointed to office before the commencement of this Measure shall continue in his office as if he had been appointed under this Measure and nothing contained in this Measure shall affect the terms and conditions on and subject to which his appointment was made.

(2) Nothing in this Measure affects—

- (a) any prerogative of Her Majesty the Queen; or
- (b) the existing procedure relating to the confirmation of the election of bishops; or
- (c) any power of the High Court to control the proper exercise by ecclesiastical courts of their functions; or
- (d) the mode of appointment, office, and duties of vicars general of provinces or dioceses; or
- (e) the visitatorial powers of archdeacons; or
- (f) the mode of appointment, office and duties of the official principal of an archdeacon; or
- (g) the jurisdiction of the Master of the Faculties.

(3) Subject to the provisions of section twenty-nine of the Ecclesiastical Commissioners Act, 1840, nothing in this Measure shall authorise proceedings against a holder of an office in a Royal Peculiar. PART XII

84. For the purposes of this Measure, the diocese of Winchester shall be deemed not to include the Channel Islands. Exclusion of Channel Islands.

85. If an Act of Tynwald so provides, this Measure shall extend to the Isle of Man subject to such modifications, if any, as may be specified in such Act of Tynwald, and in that event this Measure shall then have effect with the omission, in the definition of "diocese" in subsection (1) of section sixty-six of the words "(other than Sodor and Man)". Provisions as to diocese of Sodor and Man.

86. The enactments specified in the Fourth Schedule to this Measure shall have effect subject to the amendments respectively specified in relation thereto in that Schedule (being amendments consequential on the provisions of this Measure). Amendments of other enactments

87. The enactments specified in the first and second columns of the Fifth Schedule to this Measure are hereby repealed to the extent specified in the third column of that Schedule, and any canon, constitution, decretal or other like instrument forming part of the law ecclesiastical which is inconsistent with the provisions of this Measure shall, to the extent of the inconsistency, cease to have effect. Repeals.

88.—(1) This Measure shall come into force on the appointed day which shall be such day as the Archbishops of Canterbury and York shall jointly determine. Commencement.

(2) The determination by the Archbishops of Canterbury and York of the appointed day shall be notified in the London Gazette.

89. This Measure may be cited as the Ecclesiastical Short title Jurisdiction Measure 1963.

SCHEDULES

Sections 2, 3, 27.

FIRST SCHEDULE**OATHS TO BE TAKEN AND SUBSCRIBED, AND DECLARATION TO BE MADE AND SUBSCRIBED, BY JUDGES OF CONSISTORY, ARCHES AND CHANCERY COURTS****PART I****OATHS TO BE TAKEN AND SUBSCRIBED BY ALL JUDGES**

“I, _____, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth, Her Heirs and successors, according to law.

So help me God.”

“I, _____, do swear that I will, to the uttermost of my understanding, deal uprightly and justly in my office, without respect of favour or reward.

So help me God.”

PART II**DECLARATION TO BE MADE AND SUBSCRIBED BY LAY JUDGES**

“I, _____, do solemnly make the following declaration:

I assent to the Thirty-nine Articles of Religion, and to the Book of Common Prayer and of the ordering of bishops, priests and deacons. I believe the doctrine of the Church of England as therein set forth, to be agreeable to the Word of God.”

Section 30.

SECOND SCHEDULE**EXAMINERS AND ASSESSORS****PART I****PROVISION OF EXAMINERS UNDER PART IV OF THE MEASURE**

1.—(1) For the purpose of enabling examiners to be appointed for the purpose of inquiring under section twenty-four of this Measure into complaints laid under Part IV, the diocesan conference of each diocese shall appoint a committee whose duty it shall be to draw up with the approval of the conference, and from time to time to revise with the like approval, a panel of not less than three persons who shall be either barristers at law or solicitors possessing such experience as the chancellor shall consider appropriate and as to whom the committee is satisfied that they are communicants.

(2) The term of office of a member of the panel drawn up under the foregoing sub-paragraph shall be such as may be determined by the diocesan conference before the time of his appointment to the panel.

2. The examiner to whom a complaint is referred for inquiry under paragraph (b) of subsection (1) of section twenty-three of this Measure shall be selected from the members of the panel by ballot conducted by the registrar of the diocese in the presence of such (if any) of the parties as desire to be present by themselves or their representatives.

3. A person selected under this Part of this Schedule as an examiner for the purpose of inquiry into a complaint laid under Part IV of this Measure shall, notwithstanding the expiry during the course of such inquiry of his term of office as a member of the panel be capable of continuing to act as an examiner as if his term of office had extended until he had completed his duties under section twenty-four of this Measure in relation to that complaint.

4. If a member of the panel ceases to hold a qualification required by sub-paragraph (1) of paragraph 1 of this Part of this Schedule or resigns or dies or becomes incapable of acting the bishop of the diocese shall declare a vacancy and may direct the committee referred to in that paragraph to appoint a duly qualified person to hold office for the remainder of the term of office of the member whom he replaces.

PART II

PROVISION OF ASSESSORS TO SIT WITH CONSISTORY COURT UNDER PART IV OF THE MEASURE

5.—(1) For the purpose of providing assessors to sit with consistory courts in the hearing and determination of proceedings under Part IV of this Measure, the diocesan conference of each diocese shall appoint a committee whose duty it shall be to draw up with the approval of the conference, and from time to time to revise with the like approval—

(a) a panel of six priests ;

(b) a panel of six laymen.

(2) Before a person is appointed to a panel of laymen drawn up under the foregoing sub-paragraph, the body proposing to make the appointment shall satisfy themselves that he is a communicant.

(3) The term of office of a member of a panel drawn up under sub-paragraph (1) of this paragraph shall be such period, not exceeding six years, as may be determined before his appointment.

6. The four assessors with whom the consistory court of a diocese trying a person under Part IV of this Measure is required to sit shall be selected from each panel in equal proportions by ballot conducted by the registrar of the diocese in the presence of such (if any) of the parties as desire to be present by themselves or their representatives.

7. If either party shall object to any assessor for reasons approved by the chancellor he shall be discharged from sitting with the court.

8. If by reason of any objection or non-attendance or otherwise the requisite number of assessors is not obtained before the trial, the chancellor shall, if there is time, cause a priest or layman, as the case may require, to be chosen from the panel by another ballot, but, if there is not time, shall appoint some priest or layman, as the case may require, who is willing to serve and to whom neither party objects for cause shown and deemed to be sufficient by the chancellor, to make up the full number of assessors required to sit with the court.

2ND SCH.

9. A person selected under this Part of this Schedule to act as assessor at the trial of a person under Part IV of this Measure by a consistory court shall, notwithstanding the expiry during the trial of his term of office as a member of the panel from which he was selected, be capable of continuing to act as assessor at that trial as if his term of office had extended until the conclusion of the trial.

10. If a member of either panel resigns or dies or becomes incapable of acting the bishop of the diocese shall declare a vacancy and may direct the committee referred to in paragraph five in this Part of this Schedule to appoint a priest or layman as the case may be to hold office for the remainder of the term of office of the member whom he replaces.

Section 55.

THIRD SCHEDULE

DEPRIVATION CONSEQUENT UPON CERTAIN ORDERS MADE UNDER THE MATRIMONIAL CAUSES ACT, 1950, OR THE MATRIMONIAL PROCEEDINGS (MAGISTRATES' COURTS) ACT, 1960.

PART I

GROUND OF COMPLAINT LEADING TO ORDERS CONSEQUENT UPON WHICH DECLARATIONS UNDER SECTION FIFTY-FIVE SHALL BE MADE BY THE BISHOP.

1. Conviction:—

- (a) on indictment of an offence which involved an assault upon the complainant; or
- (b) by a magistrates' court, of an offence against the complainant under section twenty, forty-two, forty-three or forty-seven of the Offences Against the Person Act, 1861, being, in a case of the said section forty-two, an offence for which the defendant has been sentenced to imprisonment or any other form of detention for a term of not less than one month; or
- (c) of, or of an attempt to commit, an offence under any of sections one to twenty-nine of the Sexual Offences Act, 1956, or under section one of the Indecency with Children Act, 1960, against an infant child of the complainant or against an infant child of the defendant who, at the time of the commission of or attempt to commit the offence, was a child of the family.

2. Adultery.

3. Where the defendant, while knowingly suffering from a venereal disease has insisted on, or has without the complainant being aware of the presence of that disease permitted, sexual intercourse between the complainant and the defendant.

4. The defendant is an habitual drunkard or drug addict.

5. Where the defendant has compelled the complainant to submit to prostitution or has been guilty of such conduct as was likely to result and has resulted in the complainant's so submitting.

PART II

3RD SCH.

GROUNDS OF COMPLAINT LEADING TO ORDERS CONSEQUENT UPON WHICH THE SAID DECLARATIONS MAY (BUT NEED NOT) BE MADE

1. *Desertion.*
2. *Persistent cruelty to:—*
 - (a) the complainant ; or
 - (b) an infant child of the complainant ; or
 - (c) an infant child of the defendant who, at the time of the cruelty, was a child of the family.
3. *Wilful neglect to provide reasonable maintenance for the complainant or for any child of the family who is, or but for such neglect would have been, a dependant.*

PART III

CONSTRUCTION OF THIS SCHEDULE

The expressions "child", "child of the family", "habitual drunkard", "drug addict" and "dependant" have the same meanings in this Schedule as are assigned to those expressions respectively in subsection (1) of section sixteen of the Matrimonial Proceedings (Magistrates' Courts) Act, 1960.

FOURTH SCHEDULE

Section 86

AMENDMENTS OF OTHER ENACTMENTS

The Places of Religious Worship Act, 1812

In section two for the words "bishop's or archdeacon's court" where those words first occur there shall be substituted the words "bishop's court or the archdeacon" and for those words where they secondly occur there shall be substituted the words "bishop's court or by the archdeacon". After the words "by such court" insert the word "or by the archdeacon".

The Pluralities Act, 1838

In section thirty-one, for the words "his chancellor or other competent judge" there shall be substituted the words "the bishop's court", and for the words "such chancellor or other judge" and the words "the judge" there shall be substituted the words "the court"; and the words "before such or any other competent ecclesiastical judge" shall be omitted.

The Clerical Disabilities Act, 1870

In section four, in paragraph (3), the reference to the enactments mentioned in the First Schedule shall include a reference to this Measure.

The Benefices Act, 1898

In sub-section (5) of section one for the words "under section two of the Clergy Discipline Act, 1892" there shall be substituted "under section eighteen and Part IV of the Ecclesiastical Jurisdiction Measure, 1963".

The Benefices (Purchase of Rights of Patronage) Measure, 1933

In section eight, in subsection (1), for the words "The Rule Committee as defined by section 9 of the Clergy Discipline Act, 1892", there shall be substituted the words "The Rule Committee constituted under section sixty-four of the Ecclesiastical Jurisdiction Measure, 1963".

Section 87.

FIFTH SCHEDULE
ENACTMENTS REPEALED

Session, and Chapter or Number	Title or Short Title	Extent of Repeal
13 Edw. 1. ...	The Statute of Circumspecte Agatis.	The whole statute.
18 Edw. 1. ...	The Statute of the Writ of Consultation.	The whole statute.
9 Edw. 2. Stat. 1.	Articles for the Clergy ...	Chapters I, II, VI and VII.
25 Edw. 3. Stat. 6.	An Ordinance for the Clergy, made at Westminster in the Twenty-fifth year of the Reign of K. Edward III.	Chapter VIII.
50 Edw. 3. ...	Of the Pardons and Graces granted by the King to the Commonalty of His Realm of England; in the Fiftieth year of King Edward III.	The whole Act.
2 Hen. 5. Stat. 1.	—	Chapter III.
21 Hen. 8. c. 6	The Mortuaries Act, 1529...	The whole Act.
23 Hen. 8. c. 9	The Ecclesiastical Jurisdiction Act, 1531.	The whole Act.
24 Hen. 8. c. 12	The Ecclesiastical Appeals Act, 1532.	In section three, the words from "in manner and forme as hereafter ensueth" to the end. In section four, the words from the beginning to "any other courte or courtes".
25 Hen. 8. c. 19	The Submission of the Clergy Act, 1533.	In section four, the words from "but that all manner of appelles" to the end. Section six.
32 Hen. 8. c. 7	The Tithe Act, 1540 ...	In section five, the proviso.
2 & 3 Edw. 6. c. 1.	The Act of Uniformity, 1548	Sections five, twelve and thirteen.
5 & 6 Edw. 6. c. 4.	The Brawling Act, 1551 ...	The whole Act.
1 Mary, Sess. 2. c. 3.	The Brawling Act, 1553 ...	Sections five and six.
1 Eliz. 1. c. 2	The Act of Uniformity, 1558	Sections six, eleven and twelve.
5 Eliz. 1. c. 23	The Writ De Excommunicato Capiendo Act, 1562.	The whole Act.
13 Eliz. 1. c. 12	The Ordination of Ministers Act, 1571.	Section two.
1 Car. 1. c. 1...	The Sunday Observance Act, 1625.	The second proviso.
3 Car. 1. c. 2...	An Act for the further reformation of sondry abuses committed on the Lord's Day commonlie called Sondag.	The third proviso.

5TH SCH.

Session, and Chapter or Number	Title or Short Title	Extent of Repeal
16 Car. 1. c. 11	An Act for repeal of a branch of a Statute primo Elizabethæ concerning Commissioners for causes Ecclesiasticall.	The whole Act.
13 Car. 2. Stat. 1. c. 12.	The Ecclesiastical Jurisdiction Act, 1661.	The whole Chapter except section four.
29 Car. 2. c. 9	The Ecclesiastical Jurisdiction Act, 1677.	The whole Act.
28 Geo. 2. c. 6	The Mortuaries (Chester) Act, 1755.	The preamble and section one.
21 Geo. 3. c. 49	The Sunday Observance Act, 1780.	Section seven.
31 Geo. 3. c. 32	The Roman Catholic Relief Act, 1791.	In section twelve, the words "in any ecclesiastical court or elsewhere".
53 Geo. 3. c. 127.	The Ecclesiastical Courts Act, 1813.	Sections one, two and three and the Schedules.
10 Geo. 4. c. 53	The Ecclesiastical Courts Act, 1829.	In section five, the words "or in any Ecclesiastical Court".
2 & 3 Will. 4. c. 92.	The Privy Council Appeals Act, 1832.	In section seven, the second proviso.
2 & 3 Will. 4. c. 93.	The Ecclesiastical Courts (Contempt) Act, 1832.	The Schedules.
3 & 4 Vict. c. 86.	The Church Discipline Act, 1840.	The whole Act.
3 & 4 Vict. c. 93.	The Ecclesiastical Courts Act, 1840.	The whole Act.
7 & 8 Vict. c. 59.	The Lecturers and Parish Clerks Act, 1844.	The whole Act.
10 & 11 Vict. c. 98.	The Ecclesiastical Jurisdiction Act, 1847.	In section one, the words from "and in case" to the end, and section five.
17 & 18 Vict. c. 47.	The Ecclesiastical Courts Act, 1854.	Section nine.
18 & 19 Vict. c. 41.	The Ecclesiastical Courts Act, 1855.	The whole Act.
23 & 24 Vict. c. 32.	The Ecclesiastical Courts Jurisdiction Act, 1860.	The whole Act.
33 & 34 Vict. c. 23.	The Forfeiture Act, 1870	Section one.
37 & 38 Vict. c. 85.	The Public Worship Regulation Act, 1874.	Section two in so far as it relates to ecclesiastical benefices and the holders thereof.
39 & 40 Vict. c. 59.	The Appellate Jurisdiction Act, 1876.	The whole Act.
		In section fourteen the words from "Her Majesty may by Order in Council" to the end.

5TH SCH.

Session, and Chapter or Number	Title or Short Title	Extent of Repeal
55 & 56 Vict. c. 32.	The Clergy Discipline Act, 1892.	The whole Act.
16 & 17 Geo. 5. No. 4.	The Ecclesiastical Commissioners Measure, 1926.	Section five.
26 Geo. 5. & 1 Edw. 8. No. 5.	The Ecclesiastical Commissioners (Powers) Measure, 1936.	Section nine.
10 & 11 Geo. 6. No. 1.	The Incumbents (Discipline) Measure, 1947.	The whole Measure.
12 & 13 Geo. 6. No. 1.	The Church Dignitaries (Retirement) Measure, 1949.	<p>Part II.</p> <p>In section thirteen, in subsection (1), the words "or Part II" and, in subsection (4), the words "and subsection (2) of section five".</p> <p>In section fourteen, the words "or both under Part II of this Measure and under the Incumbents (Discipline) Measure, 1947", the words "or the said Measure of 1947", in both places where they occur, the words "if the proceedings were taken under the Measure of 1945" and the words from "and (ii) if" to "under this Measure".</p> <p>In section eighteen, in the definition of "prescribed", the words "the Incumbents (Discipline) Measure, 1947, or".</p>
13 & 14 Geo. 6. No. 1.	The Incumbents (Discipline) Measure, 1947 (Amendment) Measure, 1950.	The whole Measure.
14 & 15 Geo. 6. c. 39.	The Common Informers Act, 1951.	In the Schedule, the entry relating to the Ecclesiastical Jurisdiction Act, 1531.
14 & 15 Geo. 6. No. 2.	The Bishops (Retirement) Measure, 1951.	<p>Part III.</p> <p>In section thirteen, the words "Part I or Part II of".</p> <p>In section fifteen, the words from "and in the case", to the end.</p> <p>In section sixteen, in subsection (1), the definition of "The pensions authority" and in subsection (2), the words "or who is a complainant or promoter under Part III hereof".</p>

5TH SCH.

Session, and Chapter or Number	Title or Short Title	Extent of Repeal
1 & 2 Eliz. 2. No. 3.	The Incumbents (Discipline) and Church Dignitaries (Retirement) Amendment Measure, 1953.	The whole Measure.

Table of Enactments referred to in this Measure

Title or Short Title	Session, and Chapter or Number
The Statute of Circumspecte Agatis	13 Edw. 1.
The Statute of the Writ of Consultation	18 Edw. 1.
Articles for the Clergy	9 Edw. 2. Stat. 1.
An Ordinance for the Clergy, made at Westminster in the Twenty-fifth year of the Reign of King Edward III	25 Edw. 3. Stat. 6.
Of the Pardons and Graces granted by the King to the Commonalty of His Realm of England; in the Fiftieth year of King Edward III	50 Edw. 3.
—	2 Hen. 5. Stat. 1.
The Mortuaries Act, 1529	21 Hen. 8. c. 6.
The Ecclesiastical Jurisdiction Act, 1531	23 Hen. 8. c. 9.
The Ecclesiastical Appeals Act, 1532	24 Hen. 8. c. 12.
The Submission of the Clergy Act, 1533	25 Hen. 8. c. 19.
The Tithe Act, 1540	32 Hen. 8. c. 7.
The Act of Uniformity, 1548	2 & 3 Edw. 6. c. 1.
The Brawling Act, 1551	5 & 6 Edw. 6. c. 4.
The Brawling Act, 1553	1 Mary, Sess. 2. c. 3.
The Act of Uniformity, 1558	1 Eliz. 1. c. 2.
The Writ De Excommunicato Capiendo Act, 1562	5 Eliz. 1. c. 23.
The Ordination of Ministers Act, 1571	13 Eliz. 1. c. 12.
The Sunday Observance Act, 1625	1 Car. 1. c. 1.
An Act for the further reformation of sondry abuses committed on the Lord's Day commonlie called Sunday.	3 Car. 1. c. 2.
An Act for repeal of a branch of a Statute primo Elizabethæ concerning Commissioners for causes Ecclesiasticall	16 Car. 1. c. 11.
The Ecclesiastical Jurisdiction Act, 1661	13 Car. 2. Stat. 1. c. 12.
The Ecclesiastical Jurisdiction Act, 1677	29 Car. 2. c. 9.
The Parochial Libraries Act, 1708	7 Ann. c. 14.
The Mortuaries (Chester) Act, 1755	28 Geo. 2. c. 6.
The Sunday Observance Act, 1780	21 Geo. 3. c. 49.
The Roman Catholic Relief Act, 1791	31 Geo. 3. c. 32.
The Places of Religious Worship Act, 1812	52 Geo. 3. c. 155.
The Ecclesiastical Courts Act, 1813	53 Geo. 3. c. 127.
The Ecclesiastical Courts Act, 1829	10 Geo. 4. c. 53.

Table of Enactments referred to in this Measure—cont.

Title or Short Title	Session, and Chapter or Number
The Privy Council Appeals Act, 1832	2 & 3 Will. 4. c. 92.
The Ecclesiastical Courts (Contempt) Act, 1832	2 & 3 Will. 4. c. 93.
The Pluralities Act, 1838	1 & 2 Vict. c. 106.
The Church Discipline Act, 1840	3 & 4 Vict. c. 86.
The Ecclesiastical Courts Act, 1840	3 & 4 Vict. c. 93.
The Ecclesiastical Commissioners Act, 1840 ...	3 & 4 Vict. c. 113.
The Lecturers and Parish Clerks Act, 1844 ...	7 & 8 Vict. c. 59.
The Ecclesiastical Jurisdiction Act, 1847	10 & 11 Vict. c. 98.
The Ecclesiastical Courts Act, 1854	17 & 18 Vict. c. 47.
The Ecclesiastical Courts Act, 1855	18 & 19 Vict. c. 41.
The Ecclesiastical Courts Jurisdiction Act, 1860	23 & 24 Vict. c. 32.
The Offences against the Person Act, 1861 ...	24 & 25 Vict. c. 100.
The Forfeiture Act, 1870	33 & 34 Vict. c. 23.
The Clerical Disabilities Act, 1870	33 & 34 Vict. c. 91.
The Public Worship Regulation Act, 1874	37 & 38 Vict. c. 85.
The Appellate Jurisdiction Act, 1876	39 & 40 Vict. c. 59.
The Clergy Discipline Act, 1892	55 & 56 Vict. c. 32.
The Benefices Act, 1898	61 & 62 Vict. c. 48.
The Ecclesiastical Dilapidations Measure, 1923 ...	14 & 15 Geo. 5. No. 3.
The Ecclesiastical Commissioners Measure, 1926	16 & 17 Geo. 5. No. 4.
The Ecclesiastical Dilapidations (Amendment) Measure, 1929	19 & 20 Geo. 5. No. 3.
The Benefices (Purchase of Rights of Patronage) Measure, 1933	23 & 24 Geo. 5. No. 1.
The Ecclesiastical Commissioners (Powers) Measure, 1936	26 Geo. 5. & 1 Edw. 8. No. 5.
The Statutory Instruments Act, 1946	9 & 10 Geo. 6. c. 36.
The Incumbents (Discipline) Measure, 1947 ...	10 & 11 Geo. 6. No. 1.
The Church Dignitaries (Retirement) Measure, 1949	12 & 13 Geo. 6. No. 1.
The Incumbents (Discipline) Measure, 1947 (Amendment) Measure, 1950	13 & 14 Geo. 6. No. 1.
The Matrimonial Causes Act, 1950	14 Geo. 6. c. 25.
The Common Informers Act, 1951	14 & 15 Geo. 6. c. 39.
The Bishops (Retirement) Measure, 1951 ...	14 & 15 Geo. 6. No. 2.
The Ecclesiastical Dilapidations Measures, 1923 to 1929 (Amendment) Measure, 1951	14 & 15 Geo. 6. No. 3.
The City of London (Guild Church) Act, 1952 ...	15 & 16 Geo. 6 and 1 Eliz. 2. c. xxxviii.
The Incumbents (Discipline) and Church Dignitaries (Retirement) Amendment Measure, 1953	1 & 2 Eliz. 2. No. 3.
The Sexual Offences Act, 1956	4 & 5 Eliz. 2. c. 69.
The Indecency with Children Act, 1960	8 & 9 Eliz. 2. c. 33.
The Matrimonial Proceedings (Magistrates' Courts) Act, 1960	8 & 9 Eliz. 2. c. 48.
The City of London (Guild Churches) Act, 1960	8 & 9 Eliz. 2. c. xxx.
The Ecclesiastical Fees Measure, 1962	10 & 11 Eliz. 2. No. 1.

1963 No. 2

A MEASURE passed by the National Assembly of the Church of England to replace with new provisions the Cathedral Measures 1931 and 1934, and other enactments relating to cathedral churches; to repeal certain obsolete provisions relating to cathedral churches or to churches which are or have been collegiate churches; and for purposes connected therewith. [31st July 1963]

Provisions as to schemes

1.—(1) For the purpose of securing the revision of the constitutions and statutes of cathedral churches, the Standing Committee of the Church Assembly shall appoint a Commission to be known as the Cathedrals Commission which shall be charged with the exercise of the following functions, that is to say:—

Appointment
and functions
of com-
missions.

- (a) the preparation forthwith in accordance with the provisions of this Measure of a scheme for each cathedral church which will bring the constitution and statutes thereof into conformity with the provisions of this Measure;
- (b) where an application therefor is made on behalf of any cathedral church, the preparation in accordance with the provisions of this Measure of a scheme for including in the constitution and statutes of that cathedral church any provisions which may under this Measure be so included; and
- (c) the exercise of such other functions as are conferred on it by the following provisions of this Measure.

(2) Subject to the provisions of section four of this Measure, the functions of the Cathedrals Commission shall cease on the expiration of the period of three years from the passing of this Measure, so, however, that this subsection shall not affect the functions of that Commission in relation to any scheme which it has prepared or begun to prepare, or in respect of which an application under paragraph (b) of the foregoing subsection is received, before the expiration of the said period.

(3) Where after the expiration of the said period of three years an application is made to the Church Assembly on behalf of any cathedral church for the preparation of a scheme under this Measure for revising the constitution and statutes of that cathedral church, the Standing Committee of the Church Assembly may in pursuance of a resolution of the Assembly appoint a commission (in this Measure referred to as a "special commission") for that cathedral church, and the special commission shall be charged with the preparation of that scheme in accordance with the provisions of this Measure and with the exercise of such other functions as are conferred on it by the following provisions of this Measure.

(4) The Cathedrals Commission on the confirmation of all schemes which it has prepared shall report to the Standing Committee of the Church Assembly that its functions have been fully exercised or, where its functions have been fully exercised except in relation to any scheme under paragraph (b) of subsection (1) of this section on which agreement cannot be reached or with which it is not desired to proceed, the Cathedrals Commission may request the said Standing Committee to discharge the Commission:

Provided that the Cathedrals Commission shall not report to the Standing Committee of the Church Assembly under this section or request the said Standing Committee to discharge the Commission until after the expiration of the period of three years from the passing of this Measure.

(5) A special commission shall on the confirmation of the scheme prepared by it report to the Standing Committee of the Church Assembly that its functions have been fully exercised or, where agreement cannot be reached on the provisions of a scheme or it is not desired to proceed with the scheme, may request the said Standing Committee to discharge the commission.

(6) In the following provisions of this Measure the expression "the Commission" includes the Cathedrals Commission and a special commission.

Consenting
bodies.

2.—(1) The Commission shall prepare any draft scheme under this Measure after consultation with the consenting body of the cathedral church to which the draft scheme relates, and any application made on behalf of a cathedral church under the foregoing section shall be made in pursuance of a resolution of the consenting body thereof.

(2) The consenting body of any cathedral church for which a draft scheme is being prepared under this Measure shall so far as practicable give to every person connected with the

cathedral church who appears to be affected by any proposals contained in the draft scheme notice of those proposals, and any such notice shall state that the Commission will consider any representations with respect to the draft scheme made by any person within two months from the date of the receipt by him of that notice.

(3) After complying with the provisions of the last foregoing subsection, the consenting body shall notify the Commission accordingly, and any such notification shall include a list of the persons notified under the said subsection.

(4) For the purposes of this Measure the expression "consenting body"—

(a) in the case of a dean and chapter cathedral, means the administrative chapter thereof, or, if there is not an administrative chapter, the general chapter thereof; and

(b) in the case of a parish church cathedral, means the cathedral council thereof:

Provided that a scheme under this Measure may provide that a body other than the body specified in this subsection shall be the consenting body for the purposes of this Measure in relation to the cathedral church to which the scheme relates.

3.—(1) The Commission shall submit any draft scheme prepared by it—

(a) to the bishop,

(b) to the Church Commissioners, and

(c) so far as is practicable, to any other person to whom the Commission considers that the draft scheme should be submitted in order to ensure that all persons affected thereby are informed of the proposals contained therein,

Procedure
for making
schemes.

together with a statement that it will consider any representations with respect to the draft scheme made within two months from the date on which the draft scheme is so submitted.

(2) The Commission shall also publish, in at least one newspaper circulating in the district in which the cathedral church to which the draft scheme relates is situated, a notice of the preparation of the draft scheme setting out its objects and specifying the place in the diocese where copies thereof may (on payment of such fee as may be prescribed in the notice) be inspected and stating that the Commission will consider any representations with respect to the draft scheme made within the period of two months from the date of the publication of the notice.

(3) After the expiration of the period during which representations may be made under the foregoing provisions of this Measure, the Commission shall send a copy of all representations duly made to it under those provisions to all persons to whom the draft scheme has been submitted under subsection (1) of this section or to whom notice of any proposals contained in the draft scheme has been given under subsection (2) of the last foregoing section; and any person to whom a copy of representations is sent under this subsection may within one month from the receipt thereof make representations with respect thereto to the Commission.

(4) After considering any representations duly made to it under the foregoing provisions of this Measure the Commission may amend the draft scheme as it may think expedient.

(5) After considering representations and making amendments (if any) as aforesaid, the Commission shall submit the draft scheme to the bishop and the consenting body for their respective consents, and shall also send a copy of the draft scheme to the Church Commissioners.

(6) Upon obtaining the consent of the bishop and the consenting body, the Commission shall lay the draft scheme before the Church Assembly, and

(a) if, before the end of the session of the Assembly at which the draft scheme is laid, a resolution is passed by the Assembly directing the Commission not to seal the draft scheme, no further proceedings shall be taken in relation to the draft scheme, but without prejudice to the preparation of a new draft scheme; or

(b) if, before the end of the said session no such resolution is passed as aforesaid, the Commission shall seal the scheme.

Any scheme required to be sealed by the Commission under this subsection shall be sealed by the chairman of the Commission on its behalf, or, in the case of absence or incapacity of the chairman, by two other members of the Commission nominated by the Commission for that purpose; and the sealing of the scheme by the chairman or by two members nominated as aforesaid shall be conclusive evidence that the provisions of this section relating to the preparation of the scheme have been complied with.

(7) The Commission shall, as soon as possible after the scheme is sealed as aforesaid, submit the scheme for the approval of Her Majesty in Council and shall—

(a) notify the consenting body, the bishop, the Church Commissioners and any person who has made representations to the Commission under the foregoing provisions of this Measure that the scheme has been so submitted; and

- (b) publish in the London Gazette notice that the scheme has been so submitted :

Provided that during the vacancy of a see the provisions of this subsection requiring notification of the bishop shall not apply.

(8) Within one month from the publication in the London Gazette of a notice that the scheme has been submitted for the approval of Her Majesty in Council any person who has made representations to the Commission under the foregoing provisions of this Measure with respect to that scheme may appeal to Her Majesty in Council against the scheme or any part thereof :

Provided that any such person may within the said period of one month apply to the Privy Council for an extension of the period within which he may appeal against the scheme or any part thereof, and may within any extended period granted by the Privy Council apply for a further extension of the period within which he may appeal as aforesaid.

(9) Where an appeal is brought under the last foregoing subsection, Her Majesty in Council may order that the appeal shall be heard by the Judicial Committee of the Privy Council, and the Judicial Committee shall report to Her Majesty in Council thereon, and may propose to Her Majesty in Council that the scheme should be allowed or dismissed or should be referred back to the Commission for further consideration, and Her Majesty in Council may accordingly—

- (a) allow the appeal, in which case no further proceedings shall be taken in relation to the scheme, but without prejudice to the preparation of a new scheme ;
- (b) dismiss the appeal ; or
- (c) refer the scheme back to the Commission for further consideration, in which case the Commission—
 - (i) may, after it has with the consent of the bishop and the consenting body introduced into the scheme such amendments as it considers expedient, reseal the scheme, and the provisions of this section relating to schemes sealed by the Commission shall thereupon become applicable to the amended scheme ; or
 - (ii) may withdraw the scheme.

(10) A scheme prepared under this section shall be laid before each House of Parliament—

- (a) where no representations with respect to the scheme have been made under the foregoing provisions of this Measure, on the publication of a notice in the London Gazette that the scheme has been submitted for the approval of Her Majesty in Council ;

- (b) where an appeal against the scheme is not brought within the period specified in subsection (8) of this section by any person who has made representations as aforesaid, on the expiration of that period ; or
- (c) where an appeal brought under that subsection is dismissed, on the dismissal of that appeal ;

and upon the scheme being laid before each House of Parliament section six of the Statutory Instruments Act, 1946, shall have effect as if this Measure were an Act and the scheme were the draft of a statutory instrument, and section seven of the said Act shall apply to the scheme accordingly.

(11) If no resolution is passed under the said section six that the scheme should not be made, Her Majesty may confirm the scheme by Order in Council, and notice of every scheme which has been so confirmed shall be published in the London Gazette.

(12) Any notice published in the London Gazette under subsection (7) or subsection (11) of this section shall state where a copy of the scheme as submitted for the approval of Her Majesty or the Scheme as confirmed by Her Majesty, as the case may be, may be obtained.

Preparation of schemes without agreement of bishop or consenting body.

4. Where at the expiration of the period of three years from the passing of this Measure the consent of both the bishop and the consenting body has not been obtained to a draft scheme under paragraph (a) of subsection (1) of section one of this Measure, the Cathedrals Commission shall prepare such a scheme in accordance with the foregoing provisions of this Measure and if, within one month from the date of the submission of the draft scheme to the bishop and the consenting body under subsection (5) of the last foregoing section, the consent of both the bishop and the consenting body has not been obtained, the Cathedrals Commission shall lay the draft scheme before the Church Assembly under that section as if those consents had been obtained :

Provided that where any such scheme contains provisions other than such as are necessary to bring the constitution and statutes of the cathedral church into conformity with the provisions of this Measure, the scheme shall not be laid before the Church Assembly until the consent of the bishop and of the consenting body to those provisions has been obtained.

General provisions as to schemes.

5.—(1) Any scheme prepared under this Measure by the Cathedrals Commission with respect to any cathedral church may contain both such provisions as are necessary to bring the constitution and statutes of the cathedral church into conformity with the provisions of this Measure and provisions which may be included in such a scheme by virtue of an application under paragraph (b) of subsection (1) of section one of this Measure.

(2) Any scheme prepared under the foregoing provisions of this Measure may either provide a new constitution and new statutes for the cathedral church to which it relates or may amend the constitution and statutes in force therefor immediately before the scheme comes into force.

(3) Any scheme prepared and confirmed under the foregoing provisions of this Measure may be varied or revoked by a subsequent scheme prepared and confirmed in like manner.

(4) Any Order in Council confirming a scheme under the foregoing provisions of this Measure may vary or revoke any Order in Council made under any Act or Measure in so far as it affects the organisation, property or revenues of a cathedral church:

Provided that the amount of any payments required to be made by the Church Commissioners under any such Order in Council shall not be varied by virtue of this subsection unless the consent of the Church Commissioners has been obtained.

Provisions required to be included in the constitutions and statutes of cathedral churches

6. The constitution and statutes of each cathedral church shall—

Relationship of bishops to their cathedral churches.

- (a) provide that the bishop shall be the visitor thereof and provide for the exercise by the bishop of his functions as visitor; and
- (b) specify the occasions upon which, and the conditions subject to which, the bishop is to have the right to officiate in or use the cathedral church.

7. The constitution and statutes of each dean and chapter cathedral shall—

Provisions relating to the governing bodies of dean and chapter cathedrals.

- (a) provide for the continuance or establishment of a general chapter consisting of the dean and all the canons (whether residentiary or not);
- (b) provide for the performance of administrative functions in relation to the cathedral church by either:—
 - (i) an administrative chapter consisting of the dean and residentiary canons and such other members of the general chapter (if any) as may be specified in the constitution and statutes, or
 - (ii) the general chapter which shall delegate such of its functions as it thinks fit to an administrative committee consisting of such members of that chapter as may be specified as aforesaid; and

- (c) provide for the appointment, if the dean and chapter think it desirable for the administration of the finances and property of the cathedral church, of a committee consisting of members of the general chapter and such other persons, whether clerical or lay, as may be specified as aforesaid, and for the delegation to that committee of functions in relation to the administration of the finances and property of the cathedral church.

Provisions relating to the governing bodies of parish church cathedrals.

8. The constitution and statutes of each parish church cathedral shall—

- (a) provide for the continuance of a cathedral chapter of which the provost, the canons of the cathedral church and the archdeacons of the diocese shall be members, and of which the bishop may be a member for such purposes as may be specified in the constitution and statutes ;
- (b) provide for the performance of administrative functions in relation to the cathedral church by—
- (i) a cathedral council consisting of the provost, who shall act as chairman, the residentiary canons and such other persons as the constitution and statutes may specify, being non-residentiary canons, archdeacons or other persons holding office in connection with the cathedral church, representatives of the parochial church council or the parochial church meeting of the parish in which the cathedral church is situated, persons resident in the diocese or persons whose names are entered on the church electoral roll of a parish in the diocese, or
- (ii) an administrative chapter consisting of the provost, who shall act as chairman, the residentiary canons and such non-residentiary canons or archdeacons as may be specified in the constitution and statutes ; or
- (iii) the cathedral chapter which shall delegate such of its functions as it may determine to an administrative committee consisting of the provost, who shall act as chairman, the residentiary canons and such non-residentiary canons or archdeacons as may be specified as aforesaid ;
- (c) provide, where the said administrative functions are to be performed by an administrative chapter—
- (i) for the appointment of lay persons as additional members of the administrative chapter for the purpose of considering any question relating to the finances and property of the cathedral church, or

(ii) for the appointment of a committee consisting of members of the administrative chapter and such lay persons as may be specified in the constitution and statutes, and for the delegation to that committee of functions relating to the finances and property of the cathedral church ;

(d) provide, where the said administrative functions are to be performed by the cathedral chapter—

(i) for the appointment of lay persons as additional members of the administrative committee for the purpose of considering any question relating to the finances and property of the cathedral church, or

(ii) for the appointment of a committee consisting of members of the administrative committee and such lay persons as may be specified in the constitution and statutes, and for the delegation to that committee of functions relating to the finances and property of the cathedral church.

9.—(1) The constitution and statutes of each cathedral church shall provide that the holders of two residentiary canonries in the cathedral church shall be engaged exclusively on cathedral duties:

Two
residentiary
canons to be
engaged
exclusively
on cathedral
duties.

Provided that the constitution and statutes may provide that the holder of only one residentiary canonry need be engaged exclusively on cathedral duties until such time as the bishop may determine after consultation with the administrative body of the cathedral church.

(2) In this Measure the expression “cathedral duties” means duties in connection with the cathedral church or pastoral duties in the diocese which should, in the opinion of the administrative body of the cathedral church, be discharged from the cathedral church as the mother church of the diocese, and does not include duties performed by any person—

- (a) as a suffragan bishop,
- (b) as an assistant bishop,
- (c) as an archdeacon,
- (d) as a director or officer of a diocesan board of education or as an officer of a diocesan board of finance or diocesan dilapidations board, or
- (e) as the holder of any office to which he was appointed by a person or body other than the administrative body of the cathedral church and for which a salary or stipend is normally paid.

and the expression “engaged exclusively on cathedral duties” shall be construed accordingly:

Provided that—

- (i) the administrative body of the cathedral church, the visitor and the Church Commissioners acting jointly may direct that the holder of a residentiary canonry shall be treated for the purposes of this Measure as engaged exclusively on cathedral duties notwithstanding that he is also an assistant bishop or the holder of any such office as is mentioned in paragraph (e) of this subsection; and
- (ii) the archbishop of the province and the Church Commissioners acting jointly may in special circumstances direct that the holder of a residentiary canonry who is normally engaged exclusively on cathedral duties shall, for such period as they may specify, be treated as so engaged for the purposes of this Measure notwithstanding that he is performing duties other than cathedral duties.

(3) Nothing in this section shall be regarded as limiting the number of residentiary canons engaged exclusively on cathedral duties in any cathedral church.

Further provisions required to be included in constitutions and statutes of cathedral churches.

10.—(1) The constitution and statutes of each cathedral church shall—

- (a) provide for the appointment of any dean by Her Majesty;
- (b) provide in the case of a parish church cathedral for the appointment as provost of the incumbent of the benefice of which the cathedral is the parish church;
- (c) provide for the appointment of canons in such manner as may be specified in the constitution and statutes;
- (d) confer power to pay stipends or other emoluments to the dean or provost and to the residentiary canons out of the capitular revenues of the cathedral church, so, however, that the amounts fixed from time to time of those stipends or other emoluments shall be subject to the consent of the Church Commissioners;
- (e) provide that in determining the amount of a stipend to be paid to any residentiary canon as aforesaid, regard may be had to any emoluments payable to him in respect of any other office or appointment held by him and to any time ordinarily spent by him in performing the duties of any other office or appointment which materially affects the time available for the performance of his cathedral duties;
- (f) specify the maximum number of residentiary canons and non-residentiary canons of the cathedral church;

- (g) provide that any presentations or nominations to benefices in the patronage of the capitular body shall be exercised—
 - (i) in the case of a dean and chapter cathedral, by the dean and chapter or a patronage committee thereof ;
 - (ii) in the case of a parish church cathedral, by the cathedral chapter or the administrative chapter or by a patronage committee of the cathedral chapter ;
- (h) provide that all functions of the capitular body in relation to property shall be delegated to the administrative body ;
- (i) provide that the capitular body shall have a common seal which shall be in the custody of the administrative body ;
- (j) confer on the administrative body power to affix the common seal of the capitular body to any document ; and
- (k) provide for the appointment of an architect to the cathedral church.

(2) The constitution and statutes of each parish church cathedral shall also—

- (a) provide for the abolition of the jurisdiction of the archdeacon and rural dean over the parish of the cathedral church, and for the exercise by the administrative body of any of the functions theretofore exercisable by the archdeacon or rural dean ;
- (b) provide, where the consistory court has jurisdiction over the cathedral church or any part thereof, for the abolition of that jurisdiction ; and
- (c) provide for conferring on such body as may be specified in the constitution and statutes, subject to any limitations or conditions as may be so specified, powers similar to those exercisable with respect to the fabric, monuments and ornaments of a cathedral church, and with respect to the churchyard thereof, by the dean and chapter in a dean and chapter cathedral.

Provisions which may be included in the constitutions and statutes of cathedral churches

11.—(1) In addition to the matters for which the constitution and statutes of each cathedral church are required to provide under the foregoing provisions of this Measure, the constitution and statutes may make provision for the good

Further provisions which may be included in constitutions

and statutes
of cathedral
churches.

government of the cathedral church and in particular may--

- (a) constitute any body or create any office for the purpose of the performance of functions in relation to the cathedral church ;
- (b) specify the functions of that body or the person holding that office in relation to the cathedral church and, where applicable, the diocese ;
- (c) provide for the appointment and terms of service of persons holding office in the cathedral church or employed in connection with it ;
- (d) provide for the regulation and superintendence of the services, fabric, fittings, ornaments, furniture and monuments of the cathedral church ;
- (e) provide for the administration of all property and revenues of, or held in connection with, the cathedral church, including any trust fund applicable to any special purpose in connection with the cathedral church ;
- (f) provide for the abolition, suspension or termination of suspension of any dignity, office or body in the cathedral church ; and
- (g) provide for any incidental and supplementary matters for which the Commission thinks it expedient to provide.

(2) Without prejudice to the generality of the last foregoing subsection, the constitution and statutes of any such cathedral church may—

- (a) provide for the appointment by the administrative body of a committee consisting of such members of that body as may be specified in the constitution and statutes, and for the delegation to that body of such functions of the administrative body as may be so specified ;
- (b) provide for the vacation of office by residentiary canons at such age as may be specified in the scheme, unless the bishop, after such consultation (if any) as may be specified in the scheme, otherwise determines ;
- (c) provide for the creation of residentiary canonries the holders of which shall continue in office for a specified term of years only, either with or without eligibility for re-appointment ;
- (d) provide that where a clerk in Holy Orders who is appointed to an archdeaconry or any other diocesan office becomes, whether at the time he is so appointed or at a later date, a canon on the understanding that he will hold the office of canon so long as he holds

that archdeaconry or other diocesan office, he shall on ceasing to hold the archdeaconry or other diocesan office vacate office as a canon, unless the bishop otherwise determines ;

- (e) provide that a non-residentiary canon shall vacate office upon ceasing to reside in the diocese, unless requested in writing to continue in office by the bishop of the diocese, so, however, that a non-residentiary canon who has been appointed in connection with an office held or function performed by him, shall, so long as he holds that office or performs that function, continue as a non-residentiary canon notwithstanding that he no longer resides in the diocese ;
- (f) provide for the appointment of non-residentiary canons who are not resident in the diocese and for the exclusion of these canons from any provision made under the last foregoing paragraph ;
- (g) provide for the annexation of a canonry to any such office as may be specified in the scheme and for the severance of a canonry from any office to which it is annexed ;
- (h) provide for the payment of pensions to retired laymen who were employed in connection with the cathedral church and to the widows and dependants of such laymen ;
- (i) provide, where a cathedral church is the parish church, that part of that cathedral church shall be a parish church or, where part of a cathedral church is a parish church, that the cathedral church or any other part thereof shall be the parish church ;
- (j) provide for the establishment of a college of lay canons and specify their functions ;
- (k) empower the bishop to confer the designation of dean emeritus, provost emeritus, canon emeritus or prebendary emeritus upon any person who retires immediately after holding the office of dean, provost, canon or prebendary as the case may be ;
- (l) provide in any case in which it is expedient for assigning part of the capitular revenues or property of the cathedral church for the promotion of the study of theology or any other branch of sacred learning, sacred music or ecclesiastical art ; and
- (m) provide, in the case of a parish church cathedral which has a cathedral council, that any functions of the cathedral council relating to the duties of the provost and canons and to the ordering of services shall be exercised by such members of the cathedral council as are clerks in Holy Orders.

Provisions as to parishes of parish church cathedrals.

12.—(1) The constitution and statutes of a parish church cathedral may provide for the transfer to the administrative body of the cathedral church of all functions theretofore exercisable, in relation to the parish of that cathedral, by the parochial church council.

(2) Where the constitution and statutes provide for such a transfer as aforesaid, they shall also provide—

(a) where the functions are transferred to a cathedral council, that at least one-third of the lay members of the council shall be elected at the annual parochial church meeting ;

(b) where the functions are transferred to an administrative chapter, that at least one-third of either—

(i) the lay persons appointed as additional members of the administrative chapter for the purpose of considering questions relating to the finances and property of the cathedral, or

(ii) the lay members of the committee appointed under sub-paragraph (ii) of paragraph (c) of section eight of this Measure,

as the case may be, shall be elected at the said meeting ; or

(c) where the functions are transferred to the cathedral chapter, that at least one-third of either—

(i) the lay persons appointed as additional members of the administrative committee for the purpose of considering questions relating to the finance and property of the cathedral, or

(ii) the lay members of the committee appointed under sub-paragraph (ii) of paragraph (d) of the said section eight.

as the case may be, shall be elected at the said meeting.

(3) Upon the transfer of the functions of the parochial church council of any parish under subsection (1) of this section, the Rules for the Representation of the Laity contained in the Schedule to the Representation of the Laity Measure, 1956, shall have effect, in relation to that parish subject to the following modifications:—

(a) for any reference to the parochial church council there shall be substituted a reference to the administrative body ;

(b) paragraphs (3) and (6) of Rule 8, and Rules 12, 13, 14 and 15 and Appendix II shall not apply ;

(c) in paragraph (9) of Rule 8 for the reference to the secretary of the parochial church council there shall

be substituted a reference to the clerk to the administrative body ; and

- (d) in paragraph (1) of Rule 9 for the reference to a written requisition signed by not less than one-third of the lay members of the parochial church council there shall be substituted a reference to a written requisition signed by not less than one-half of the lay members of the administrative body :

Provided that an annual parochial church meeting shall not be entitled by virtue of this section to receive under paragraph (1) of Rule 8 of the said Rules any information or accounts which they would not have been entitled to receive thereunder if the said transfer had not taken place.

(4) Upon the transfer of the functions of the parochial church council of any parish under subsection (1) of this section, the Parochial Church Councils (Powers) Measure, 1956, shall have effect in relation to that parish subject to the following modifications :—

- (a) for any reference to the parochial church council there shall be substituted a reference to the administrative body ; and
- (b) section three, subsection (1) of section five, section six, paragraphs (iii) and (iv) of section seven and sections eight and nine shall not apply.

(5) Upon the transfer of the functions of the parochial church council of any parish as aforesaid, all property held by that council and all property vested in the diocesan authority under subsection (2) of section six of the Parochial Church Councils (Powers) Measure, 1956, or vested in that authority as a custodian trustee on behalf of the parochial church council, shall by virtue of this section and without any conveyance, assignment, transfer or other assurance vest in the capitular body of the cathedral church :

Provided that—

- (a) any stock which is only transferable in books kept by a company shall not vest in the capitular body by virtue of this subsection, but any person in whom the stock is vested shall, at the request of the capitular body, forthwith apply to the company to transfer the stock into the name of that body ; and
- (b) the vesting or transfer of property by virtue of this subsection shall not affect any previously existing trust or contract or any mortgage or other charge affecting the property.

(6) Where the constitution and statutes of a parish church cathedral provide for such a transfer as aforesaid, they may confer on the administrative body of the cathedral church power to appoint a parochial committee to which that body may delegate such of the functions transferred to it under this section as it thinks fit.

(7) For the purposes of this section the functions of a parochial church council shall include any power to act in the administration of a charity established for ecclesiastical purposes.

Power to
make rules
or bye-laws.

13. The constitution and statutes of any cathedral church may confer on the administrative body of the cathedral church and also in the case of a parish church cathedral, on the capitular body thereof, power to make rules or byelaws regulating any matter within the jurisdiction of that body as defined by the constitution and statutes; and the constitution or statutes—

- (a) may provide that the consent of such body or person as may be specified in the constitution and statutes shall be required before any rule or byelaw is made relating to any such matter as is so specified; and
- (b) may provide for the settling of questions and disputes arising in relation to any rules or byelaws made under this section.

Power for parish church cathedrals to become dean and chapter cathedrals

Power for
parish church
cathedrals
to become
dean and
chapter
cathedrals.

14.—(1) A scheme prepared by the Commission may provide that a parish church cathedral shall become a dean and chapter cathedral:

Provided that—

- (a) the Commission shall not submit any draft scheme prepared by virtue of this section to any body or person under section three of this Measure unless the consent of Her Majesty has been obtained; and
- (b) where the patron of the benefice of which the cathedral church is the parish church is a person other than the bishop, the Commission shall not lay any such draft scheme before the Church Assembly under subsection (6) of that section unless the consent of the patron has been obtained.

(2) Any scheme under this section shall—

- (a) provide a new constitution and statutes for the cathedral church to which the scheme applies or amend the existing constitution and statutes so as to secure that they comply with the provisions of this Measure relating to the constitution and statutes of dean and chapter cathedrals; and

(b) shall provide for any consequential transfer of functions and property:

Provided that the constitution and statutes may provide for the appointment of lay persons as additional members of the administrative chapter or administrative committee of the cathedral church for the purpose of considering any question relating to the finances and property of the cathedral church, notwithstanding that paragraph (b) of section seven of this Measure does not provide for the appointment of such persons, and where any such provision is made paragraph (c) of the said section seven shall not apply.

(3) A scheme under this section shall not come into effect until—

(a) the office of provost is vacant ; and

(b) provision has been made by a scheme under the Pastoral Reorganisation Measure, 1949, and the Union of Benefices Measures, 1923 to 1952, or under the New Parishes Measure, 1943, for the pastoral care of such part of the parish of the cathedral church concerned as is not to be attached to the cathedral church, and the scheme so made has come into effect or is due to come into effect at the same time as the scheme made under this section ;

and the bishop has by an instrument under his hand and seal certified that the conditions mentioned in paragraphs (a) and (b) of this subsection have been complied with.

(4) Any scheme made under the Pastoral Reorganisation Measure, 1949, and the Union of Benefices Measures, 1923 to 1952, or under the New Parishes Measure, 1943, with respect to the parish of a cathedral church shall specify an area which shall cease to be part of the parish in which it was included before the making of the scheme and shall be the area of the cathedral church and its precincts, and a plan of that area shall be attached to the certificate executed by the bishop under the last foregoing subsection.

(5) Any certificate executed by the bishop as aforesaid shall be deposited in the registry of the diocese and shall remain there unless and until the bishop with the consent of the administrative body makes other provision for its safe custody.

Provisions as to property

15.—(1) Where at the passing of this Measure any land is vested for an estate in fee simple in a dean or canon as a corporation sole, being a dean or canon of a dean and chapter cathedral, that land shall by virtue of this section and without any conveyance, assignment, transfer or other assurance vest in the dean and chapter of that cathedral:

Transfer of land vested in a dignitary to dean and chapter.

Provided that the vesting of any land by virtue of this section shall not affect any previously existing trust or contract or any mortgage or other charge affecting the land.

(2) Where at the passing of this Measure the Church Commissioners hold any moneys on behalf of a dean or canon of a dean and chapter cathedral, being the proceeds of any sale of land previously vested for an estate in fee simple in the dean or canon as a corporation sole, the Church Commissioners shall hold those moneys on behalf of the dean and chapter of that cathedral.

Transfer to cathedral chapter of property vested in provosts.

16.—(1) Where at the passing of this Measure a church, churchyard, house of residence or any glebe land is vested for an estate in fee simple in the provost of a parish church cathedral as the incumbent of a benefice, the church, churchyard, house, or glebe land together with any easements, rights or privileges annexed thereto, shall by virtue of this section and without any conveyance, assignment, transfer or other assurance vest in the cathedral chapter of that cathedral:

Provided that the vesting of property by virtue of this section shall not affect any previously existing trust or contract or any mortgage or other charge affecting the property.

(2) The last foregoing subsection shall apply in relation to property vested in the dean of Truro as incumbent of the benefice of St. Mary in Truro as it applies in relation to property vested in a provost with the substitution of a reference to the dean and chapter of the cathedral church of Truro for the reference to the cathedral chapter.

Provisions as to property of benefices of parish church cathedrals.

17.—(1) The income which at the passing of this Measure is the endowment income of a benefice the parish church of which is a parish church cathedral shall form part of the capitular revenues of that cathedral:

Provided that nothing in this subsection shall affect any charge to which that income is subject at the passing of this Measure.

(2) Any sum which before the passing of this Measure has been appropriated under paragraph (b) of section three or paragraph (b) of subsection (2) of section four of the Benefices (Stabilization of Incomes) Measure, 1951, to a benefice the parish church of which is a parish church cathedral shall be treated as appropriated to the cathedral chapter of that cathedral; and subsection (2) of section five of the Benefices (Stabilization of Incomes) Measure, 1951, shall apply in relation to moneys appropriated to the cathedral chapter by virtue of this section as it applies in relation to money appropriated to a benefice under that Measure.

(3) Where at the passing of this Measure any capital moneys are held by the Church Commissioners to the account of a benefice the parish church of which is a parish church cathedral those moneys shall be held by them to the account of the cathedral chapter.

(4) Any order made under section twelve of the Pastoral Reorganisation Measure, 1949, (which enables the Church Commissioners by order to divert part of the endowment income of a benefice to the diocesan stipends fund) and any Order in Council made under the Union of Benefices Measures, 1923 to 1952, and section six of the Diocesan Stipends Funds Measure, 1953, (which section enables the Church Commissioners by scheme confirmed by Order in Council to hold part of the endowment income of a benefice for the benefit of the diocesan stipends fund) shall, if in force at the passing of this Measure, cease to have effect so far as it diverts or transfers any part of the endowment income of a benefice the parish church of which is a parish church cathedral.

(5) If any question arises as to what constitutes the endowment income of a benefice for the purposes of this section or as to the amount of that income, that question shall be determined by the Church Commissioners, whose decision shall be final.

(6) This section shall apply in relation to the benefice of St. Mary in Truro as it applies in relation to a benefice the parish church of which is a parish church cathedral with the substitution of a reference to the dean and chapter of the cathedral church of Truro for the reference to the cathedral chapter.

18. Where at the passing of this Measure any sums of money are standing to the credit of any repair account established under the Ecclesiastical Dilapidations Measures, 1923 to 1951, for a benefice the parish church of which is a parish church cathedral, the Church Commissioners shall have power—

(a) to hold those sums on behalf of the cathedral chapter to be used for the repair of such property vested in the cathedral chapter as the Church Commissioners may agree; or

(b) to transfer those sums to the fund established under paragraph (b) of subsection (2) of section twenty-seven of this Measure in relation to that cathedral church.

19.—(1) The Church Commissioners with the consent of the administrative body of the cathedral church concerned and also, if the scheme transfers property vested in a dean, provost or canon, with the consent of that dean, provost or canon, may

Moneys standing to credit of repair accounts of benefices of parish church cathedrals.

Schemes for transfer of property to Church Commissioners and capitular bodies.

prepare and submit to Her Majesty in Council for confirmation a scheme providing—

- (a) for the transfer to the Church Commissioners of the whole or part of the property of any capitular body (other than the cathedral church and the buildings belonging thereto) for such consideration and on such terms as the Church Commissioners think fair and reasonable, including the extinguishment of any right of the Church Commissioners to receive any part of the income or property of that capitular body;
- (b) for the transfer of property by the Commissioners to any capitular body either in consideration of a reduction of any annual sum payable by the Commissioners to the capitular body or in consideration of the payment of any sum of money or the transfer of any property to the Commissioners or for no consideration;
- (c) for the transfer to the capitular body of a cathedral church of any property acquired after the passing of this Measure as a corporation sole by a dean or canon thereof or by a provost thereof (whether as provost or incumbent).

(2) A scheme under the last foregoing subsection may—

- (a) amend or repeal the provisions of any other scheme made under any Act or Measure relating to the property of the cathedral church concerned, other than provisions forming part of the constitution and statutes of the cathedral church;
- (b) contain such incidental, consequential or supplementary provisions as may be necessary or expedient for giving full effect to the scheme.

(3) The following provisions of the Ecclesiastical Commissioners Act, 1840, (which relate to the making, publishing and registering of Orders in Council), that is to say—

sections eighty-four and eighty-five,
section eighty-six, as modified by section twenty-four of the Church Property (Miscellaneous Provisions) Measure, 1960, and

sections eighty-eight and eighty-nine,

shall apply to an Order in Council confirming a scheme under this section as they apply to an Order in Council confirming a scheme under that Act.

Acquisition
and disposal
of land by
cathedral
bodies.

20.—(1) A capitular body, dean, provost or canon shall, subject to the provisions of this section, have the following powers, that is to say:—

- (a) power to sell, grant a lease of, exchange, mortgage or charge land, and to dedicate land for the purposes of a highway;

- (b) power to acquire land by gift inter vivos or by will, and
- (c) power to acquire land required for providing access to land owned by the capitular body, dean, provost or canon, as the case may be, or for improving the amenities of any such land,

and a capitular body shall, subject to the said provisions, also have power to acquire land—

- (i) for improving the amenities of the cathedral church ;
- (ii) for any ecclesiastical, educational or other charitable purpose connected with the cathedral church or any parish of which the cathedral church or any part thereof is the parish church ; and
- (iii) for the provision of houses to be occupied by persons engaged or to be engaged in duties connected with the cathedral church.

(2) Before exercising any powers conferred under the last foregoing subsection, the capitular body, dean, provost or canon shall obtain the consent of the Church Commissioners and also in the case of the disposal, leasing, mortgaging or charging of a house of residence—

- (a) the consent of the bishop or during a vacancy of the see the guardian of the spiritualities ;
- (b) the consent of the dean, provost or residentiary canon who normally occupies the house except during a vacancy in the office of the dean, provost or residentiary canon, as the case may be ; and
- (c) where the house is allocated for the use of the holder of a dignity the right of presentation to which is vested in Her Majesty, the consent of Her Majesty ;

Provided that no consent shall be required under this subsection for:—

- (i) the grant of a lease to a clerk in Holy Orders holding office in the cathedral church or to any person employed in connection with the cathedral church ;
- (ii) the acquisition of land by a gift inter vivos or by will ;
- (iii) any transaction for which the sanction of an order is required under section twenty-nine of the Charities Act 1960 ; or
- (iv) any transaction relating to land which at the passing of this Measure is held by the dean and chapter of the cathedral church of St. Paul in London as part of the Tillingham estate.

(3) The Church Commissioners may by order except from the provisions of the last foregoing subsection transactions relating to land forming part of an estate specified in the order

or transactions of a class so specified or relating to property of a class so specified.

(4) The powers conferred by this section may be exercised notwithstanding that the consideration for any transaction executed thereunder may not be the full consideration.

(5) The sealing by the Church Commissioners of any document under this section shall be conclusive evidence that all the requirements of this section with respect to the transaction to which the document relates have been complied with.

(6) A statement in a document sealed by the capitular body, dean, provost or canon, as the case may be, that the consent thereto of the Church Commissioners is not required under this section shall be sufficient evidence of that fact.

Investment powers, etc., of capitular bodies.

21.—(1) Subject to the provisions of this section, the capitular body of any cathedral church shall have the following powers of investing moneys which form part of the endowment of the cathedral church (not being moneys to which section twenty-four of this Measure applies) that is to say—

- (a) power to invest in the acquisition of land ;
- (b) power to invest in any investment fund or deposit fund constituted under the Church Funds Investment Measure, 1958 ; and
- (c) the same powers of investing as a trustee has under section one of the Trustee Investments Act, 1961 ;

and the powers of the capitular body under paragraph (c) of this subsection shall be exercisable in the like manner and subject to the like conditions as the powers of a trustee are exercisable under the said Act.

(2) Subject to the provisions of this section, the capitular body of any cathedral church may from time to time pay to the Church Commissioners any moneys in the hands of the capitular body which form part of the endowment of the cathedral church, and the Church Commissioners—

- (a) shall hold any moneys paid to them under this subsection free from any trust subject to which the capitular body held the moneys ;
- (b) shall pay interest on those moneys to the capitular body at such rate as the Church Commissioners may from time to time determine ; and
- (c) shall appropriate to the endowment of the cathedral church a sum equal to the moneys held by them under this subsection.

(3) The capitular body of any such cathedral church shall before—

(a) investing any moneys under paragraph (b) or paragraph (c) of subsection (1) of this section, or

(b) selling any investment other than land,

obtain the advice of the Church Commissioners and shall before investing any moneys in the acquisition of land obtain the like consents as are required under the last foregoing section for the sale of any land by a capitular body.

(4) A capitular body shall not be treated as having complied with the last foregoing subsection unless the advice of the Church Commissioners was given or has been subsequently confirmed in writing.

(5) The advice or consent of the Church Commissioners given under the foregoing provisions of this section shall be deemed to be proper advice for the purposes of subsections (2) and (3) of section six of the Trustee Investments Act, 1961.

(6) The capitular body of any cathedral church may with the agreement of the Church Commissioners place any moneys on deposit with the Church Commissioners, and the Church Commissioners—

(a) shall hold any moneys placed on deposit with them free from any trust subject to which the capitular body held the moneys;

(b) shall pay interest on those moneys to the capitular body at such rate as the Church Commissioners may from time to time determine; and

(c) when requested so to do shall repay those moneys or part thereof to the capitular body;

so, however, that any moneys repaid under paragraph (c) of this subsection and any interest paid under paragraph (b) thereof shall be subject to the trusts to which the moneys and the interests thereon were subject before being placed on deposit as aforesaid.

22. Where any land which forms part of the endowment of a cathedral church is sold or a lease of any such land is granted, the proceeds of the sale or any premium obtained on the grant of the lease shall be treated as part of the endowment of the cathedral church.

Provisions as to proceeds of land forming part of endowment of cathedral church.

23. The capitular body of any cathedral church may, with the consent of the Church Commissioners, use any moneys forming part of the endowment of the cathedral church (other than moneys to which the next following section applies) for the improvement or development of any property in which the capitular body owns an interest, other than the cathedral church and buildings ancillary thereto.

Use of moneys forming part of endowment of cathedral church.

Provision as to moneys held by Church Commissioners on behalf of a cathedral church.

24. Where—

- (a) the Church Commissioners hold on behalf of the capitular body of any cathedral church any moneys which form part of the endowment of that cathedral church (whether held by them at the passing of this Measure or paid to them under subsection (2) of section twenty-one of this Measure) or
- (b) any moneys are appropriated to any cathedral chapter by virtue of subsection (2) of section seventeen of this Measure,

the Church Commissioners may, if the administrative body of the cathedral church requests them so to do, make payments out of those moneys—

- (i) for the improvement or development of any property in which the capitular body owns an interest, other than the cathedral church and buildings ancillary thereto ;
- (ii) for any purpose for which grants may be made by the Church Commissioners under section thirty-two of this Measure ; or
- (iii) for investment in the acquisition of land.

Use of endowment capital for emergency repairs to cathedral church.

25. Where the Church Commissioners and the administrative body of any cathedral church are satisfied that an emergency has arisen which justifies the expenditure of—

- (a) any moneys forming part of the endowment of the cathedral church, whether held by the capitular body or held by the Church Commissioners on behalf of the capitular body, or
- (b) any moneys which are appropriated to the cathedral church by virtue of subsection (2) of section seventeen of this Measure,

for the repair of the cathedral church or buildings ancillary thereto, the Church Commissioners may, at the request of the administrative body, consent to the expenditure of those moneys for that purpose or, as the case may be, make payments out of those moneys for that purpose :

Provided that any sum expended under this section shall be replaced by the administrative body of the cathedral church within five years from the date on which it is expended, in such manner as may be agreed between the Church Commissioners and the administrative body.

Allocation of houses for use of cathedral clergy.

26. The administrative body of any cathedral church may allocate for the use of any person holding an ecclesiastical office in connection with the cathedral, as a residence from which to perform the duties of that office, any house in which the capitular body owns an interest.

27.—(1) The administrative body of every cathedral church shall, within two years from the passing of this Measure, prepare and submit to the Church Commissioners for their approval a plan to provide for the periodic inspection and repair of all buildings, other than the cathedral church and buildings ancillary thereto, which the capitular body is liable to repair, being buildings situated in the cathedral close or allocated as residences to persons holding office in the cathedral church.

Plans for inspection and repair of cathedral property.

(2) Any plan prepared under the last foregoing subsection—

(a) shall provide for the inspection of the buildings to which the plan applies by an architect or, where appropriate, by a surveyor and for the making with respect to each building inspected of a report by the architect or surveyor who has inspected it which shall contain an estimate of the cost of carrying out such works of repair or maintenance as the architect or surveyor, as the case may be, thinks necessary;

(b) shall include arrangements for the repair and maintenance of the said buildings and for that purpose shall provide for the establishment of a fund and for the making of payments into that fund from the capitular revenues of the cathedral church;

(c) may contain such incidental, consequential or supplementary provisions as may be necessary or expedient for giving full effect to the plan.

(3) Any such plan as aforesaid shall provide that any architect or surveyor who carries out any inspection thereunder shall be a person who has had experience in connection with the class of building which he is required to inspect under the plan.

(4) Any plan prepared under this section may be varied by a subsequent plan approved by the Church Commissioners.

Financial provisions

28.—(1) The Church Commissioners shall pay to the dean or provost of each cathedral church and to two residentiary canons of each cathedral church who are engaged exclusively on cathedral duties such sums by way of stipend or other emoluments as they may from time to time determine:

Payment of stipends of dean or provost and two canons by Church Commissioners.

Provided that—

(a) if in any cathedral church there is only one residentiary canon who is engaged exclusively on cathedral duties or there are no residentiary canons so engaged, the obligation imposed on the Church Commissioners by this section shall be reduced accordingly until such

time as a residentiary canon or a second residentiary canon, as the case may be, is appointed who is engaged exclusively on cathedral duties ; and

- (b) in determining the amount to be paid to any dean, provost or canon under this subsection, the Church Commissioners may take account of any other sums payable to the dean, provost or canon in right of his dignity.

(2) Where by virtue of paragraph (b) of the last foregoing subsection the Church Commissioners have reduced the amount of the payment made or to be made to any dean, provost or canon of a cathedral church, they may in any year pay into the capitular revenues of that cathedral church a sum equal to the amount by which the said payment was reduced as aforesaid.

(3) The capitular body of a cathedral church shall, notwithstanding anything in the constitution and statutes of the cathedral church, have power to pay to the dean or provost or to any residentiary canon to whom the Church Commissioners are required to make a payment under subsection (1) of this section such additional stipend or other emoluments as they may think fit:

Provided that no payment shall be made by virtue of this subsection without the consent of the Church Commissioners.

Augmentation of stipends of canons holding office at passing of Measure.

29. Where in the case of any cathedral church there is only one residentiary canon engaged exclusively on cathedral duties or where there are no residentiary canons so engaged, the Church Commissioners shall have power to make to any canon holding office in the cathedral church at the passing of this Measure such payments towards his stipend or emoluments as they may think fit, so, however, that the aggregate amount paid by the Church Commissioners under this section and the last foregoing section shall not exceed the amount which would have been payable under the last foregoing section if there had been two residentiary canons engaged exclusively on cathedral duties.

Payment towards expenses incurred by newly appointed deans, provosts and canons.

30. Where any person is appointed dean or provost of a cathedral church or is appointed a residentiary canon whose stipend is to be paid by the Church Commissioners in accordance with the provisions of section twenty-eight of this Measure, the Church Commissioners shall have power to make to that person a grant towards removal expenses incurred by him.

Grants for the payment of stipends and salaries.

31. The Church Commissioners shall have power to pay out of their general fund to the capitular body of any cathedral

church such grants as they may from time to time determine for the payment of—

- (a) the stipend or other emoluments of any clerk in Holy Orders holding office in the cathedral church, other than a dean, provost or residentiary canon ;
- (b) the salary or other emoluments of any lay person employed in connection with the cathedral church.

32. For the purpose of securing the better provision of houses for clerks in Holy Orders who hold office in any cathedral church, the Church Commissioners shall have power to make out of their general fund to the capitular body of that cathedral church such grants as they may think fit for any of the following purposes, that is to say—

Grants for houses to be occupied by clerks holding office in the cathedral church.

- (a) the acquisition or erection of a house, or the acquisition of land for the site of a house, to be occupied by a clerk in Holy Orders who holds office in the cathedral church ;
- (b) the purchase of land for a garden for a house occupied or to be occupied by such a clerk ;
- (c) the division into two or more parts of any house in which the capitular body owns an interest, and the conversion of any part thereof into a residence for any such clerk as aforesaid ;
- (d) the improvement, enlargement or reduction of the size of any house occupied or to be occupied by any such clerk as aforesaid ; and
- (e) the payment of any incidental expenses incurred in carrying out any of the purposes mentioned in the foregoing paragraphs of this section.

33. The Church Commissioners shall have power to make out of their general funds to the capitular body of any cathedral church such grants as they may think fit for the repair of any chancel, other than the chancel of the cathedral church, which the capitular body is wholly or partly liable to repair.

Grants for repair of chancels.

34. The Church Commissioners shall have power to make to the capitular body of any cathedral church loans of such amounts, and subject to the payment of interest at such rate, as they may think fit for the acquisition of any property, the erection of any building or the improvement, repair or alteration of any property, other than the cathedral church and buildings ancillary thereto.

Loans for acquisition and improvement of cathedral property.

Borrowing powers of capitular bodies.

35. The capitular body of any cathedral church shall have power to borrow money for any purpose connected with the cathedral church :

Provided that if the purpose for which the money is to be borrowed is such that the use of moneys forming part of the endowment of the cathedral church for that purpose would require the consent of the Church Commissioners, then, the consent of the Church Commissioners shall be required for the borrowing of that money under this section.

Power of Church Commissioners to pay expenses of the Commission.

36. The Church Commissioners shall have power at their discretion to defray out of their general fund the expenses of the Commission or such part of those expenses as they may think fit.

Payment of cost of appeals against schemes.

37. The Church Commissioners shall have power at their discretion to pay out of their general fund the whole or such part as they may think fit of the costs and expenses incurred by any person in connection with an appeal by him to Her Majesty in Council against a scheme under this Measure.

Accounts.

38.—(1) Any person in receipt of or having the administration of either the property and revenues of any cathedral church or the property and revenues annexed or belonging to any dignity or office or any corporation aggregate or sole in any cathedral church shall annually, at such time and in such form as the Church Commissioners may prescribe, transmit to them duly audited accounts of the property and revenues.

(2) The administrative body of every such cathedral church shall annually publish duly audited accounts.

Special provisions relating to certain cathedral churches

Charge on capitular revenues of Birmingham cathedral.

39. The capitular revenues of the cathedral church of Birmingham shall be charged with an annual payment of three thousand pounds to the Church Commissioners for the benefit of the income account of the diocesan stipends fund of the diocese of Birmingham.

Provisions as to Newcastle Chapter Endowment Fund.

40. Any scheme made by the Cathedrals Commission under paragraph (a) of subsection (1) of section one of this Measure with respect to the cathedral church of Newcastle shall make provision as to the purposes for which the Newcastle Chapter Endowment Fund may be applied, and until that scheme is made that Fund shall be applied for the purposes for which it is applied at the passing of this Measure.

Provisions as to canonry annexed to archdeaconry of Norfolk.

41.—(1) The canonship or prebend in the cathedral church of Norwich which by the St. Catharine's College Cambridge (Canonship of Norwich) Act, 1927, was annexed to the archdeaconry of Norfolk is hereby severed from that archdeaconry :

Provided that if at the passing of this Measure any person is holding both the said canonship or prebend and also the said archdeaconry, this subsection shall not come into force until both those offices are next vacant or until the holder of both those offices agrees to their severance, whichever shall first occur.

(2) After the said canonship or prebend is severed from the said archdeaconry under the last foregoing subsection the bishop shall be entitled to appoint persons to fill the said canonship or prebend.

(3) The sum which the dean and chapter of the cathedral church of Norwich are required under section three of the said Act to pay annually to the master or warden of St. Catharine's College in the University of Cambridge shall, as from the date on which the said canonship or prebend is severed from the said archdeaconry under the foregoing provisions of this section, cease to be a charge upon and paid out of the income of that canonship or prebend and shall be a charge upon and paid out of the moneys held by the diocesan board of finance of the diocese of Norwich.

42.—(1) Subject to the provisions of this section, the Cathedrals Commission may, with the consent of the bishop, the dean and canons of the cathedral church of Christ in Oxford and the Church Commissioners, make and seal an instrument providing for the creation of an additional canonry for that cathedral church:

Provision for appointment of additional canon at Oxford.

Provided that the creation of an additional canonry under this section shall not involve any charge direct or indirect upon the revenues of the House of Christ Church.

(2) The bishop shall be entitled to appoint persons to fill the said canonry.

(3) A person appointed to fill the said canonry shall not be entitled to be a member of the governing body of the House of Christ Church.

(4) Any instrument made under this section shall regulate the rights and duties of the canon appointed thereunder and those rights and duties shall be such as to secure that the canon will be engaged exclusively on cathedral duties; and subsection (2) of section nine, section twenty-eight, section thirty, section forty-seven and section fifty-two of this Measure shall apply in relation to that canon as if section seven of this Measure provided that administrative functions in relation to the cathedral church were to be performed by the dean and canons.

(5) The Cathedrals Commission shall not seal any instrument under this section unless it is satisfied that a house of residence is available for allocation for the use of the canon

to be appointed thereunder and the bishop shall not appoint a canon under this section unless he is satisfied that a house of residence is available and will be allocated for the use of that canon.

(6) Where the bishop and the dean and canons of the cathedral church of Christ in Oxford make an application to the Church Assembly for an instrument which will vary or revoke any instrument then in force under this section, the Standing Committee of the Church Assembly may in pursuance of a resolution of the Assembly appoint a commission which shall consider the revision of that instrument and may, with the consent of the bishop, the dean and canons of the said cathedral church and the Church Commissioners, make an instrument under this section which may vary or revoke the instrument previously in force hereunder.

Power of bishop of Oxford to appoint non-residentiary canons.

43.—(1) The bishop shall have power to appoint not more than twenty-four non-residentiary canons in the cathedral church of Christ in Oxford, and any such canon shall, unless the bishop otherwise determines, vacate office on ceasing to reside in the diocese of Oxford.

(2) The rights and duties of non-residentiary canons in the said cathedral church shall be such as may from time to time be determined by the dean and canons of the cathedral church with the agreement of the bishop.

Provisions as to Southwark.

44.—(1) A scheme made under this Measure with respect to the cathedral church of Southwark may, with the consent of the trustees of the Rectory of St. Saviour, Southwark, provide that the said cathedral church shall vest in the capitular body of that cathedral church and that any rights of those trustees in relation to the approval of, or consultation upon, alterations to the fabric or monuments of the cathedral church or to its curtilage shall cease; and the said trustees are hereby authorised to give their consent to any such provisions as aforesaid.

(2) The powers conferred by section twenty of this Measure on the capitular body of the said cathedral church in relation to a house of residence shall be exercisable in like manner in relation to the Chapter House of Southwark.

In this subsection the expression "the Chapter House" has the same meaning as in the Southwark Cathedral Measure, 1937.

Miscellaneous and general

Amendment of Representation of the Laity Measure, 1956.

45. Notwithstanding anything in paragraph 2 of Rule 5 of the Rules for the Representation of the Laity contained in the Schedule to the Representation of the Laity Measure, 1956, residentiary and minor canons of a parish church cathedral

shall be entitled to attend the annual parochial church meeting of the parish of that cathedral, whether or not they are resident in that parish.

46. Where the constitution or statutes of any cathedral church contains a provision—

- Repeals of provisions of constitutions and statutes relating to amounts of stipends.
- (a) fixing the amount of any stipend to be paid to any clerk in Holy Orders or lay person holding office in or employed in connection with the cathedral church ;
 - (b) specifying the minimum or maximum amount to be paid to any such person ;
 - (c) fixing the aggregate amount to be paid to the dean and canons ; or
 - (d) specifying the amount to be paid to any dean, provost or canon in relation to the amount to be paid to any other dignitary ;

that provision shall cease to have effect on the passing of this Measure.

47. If any question arises under this Measure—

- Determination of questions as to cathedral duties.
- (a) whether a person is engaged exclusively on cathedral duties, or
 - (b) as to the amount of time spent on duties other than cathedral duties,

that question shall, after consultation with the visitor and the administrative body of the cathedral church, be determined by the Church Commissioners, and if any person is dissatisfied with the decision of the Church Commissioners he may appeal therefrom to the archbishop of the province whose decision shall be final :

Provided that during a vacancy of the see of the bishop who is the visitor of the cathedral church the provisions of this section requiring consultation with the visitor shall not apply.

48. A scheme under this Measure which affects any right of patronage or other right or interest of Her Majesty shall not be submitted to Her Majesty in Council except with the consent of Her Majesty.

Saving for Crown rights.

49.—(1) Where a scheme under this Measure provides for the transfer of any property, the scheme may also provide for the vesting without any conveyance or other assurance of the property to be transferred.

Transfer of property by schemes.

(2) The production of a copy of the Order in Council confirming a scheme under this Measure shall be sufficient authority to any company in whose books any stock transferred by the scheme is standing to transfer the stock into the name of the

transferee named in the scheme and to pay the dividends thereon to that transferee, and the stock shall be transferred and the dividends paid accordingly.

Saving for existing interests.

50. No provision of this Measure or of any scheme made under it shall adversely affect the tenure of office or any right or pension of any person who, at the passing of this Measure, holds or has held a freehold or other office conferring fixity of tenure in any cathedral church unless, by an instrument in writing under his hand, he agrees to be bound by that provision.

Charities.

51. The provisions of this Measure (other than those of section twelve thereof) shall not apply to any charity, or to property of any charity, except to the extent to which the Charity Commissioners for England and Wales shall determine that the said provisions shall apply to that charity or property.

In this section the expression "charity" has the same meaning as in the Charities Act, 1960, but does not include an exempt charity within the meaning of that Act.

Interpretation.

52.—(1) In this Measure, except where the context otherwise requires, the following expressions have the meaning thereby assigned to them respectively, that is to say—

"administrative body" means, in the case of a dean and chapter cathedral, the body by which administrative functions in relation to the cathedral church are performed by virtue of paragraph (b) of section seven of this Measure, and, in the case of a parish church cathedral, the body by which administrative functions in relation to the cathedral church are performed by virtue of paragraph (b) of section eight of this Measure;

"architect" means a person registered under the Architects (Registration) Acts, 1931 to 1938;

"bishop" when used in relation to a cathedral church, means the bishop of the diocese in which the cathedral church is situated;

"canon" includes a non-residentiary canon or prebendary but not a minor canon or any person not in Holy Orders;

"capitular body" means, in the case of a dean and chapter cathedral, the dean and chapter, and, in the case of a parish church cathedral, the cathedral chapter;

"cathedral church" means any cathedral church in England existing at the passing of this Measure except the cathedral church of Christ in Oxford;

"cathedral duties" has the meaning assigned to it by section nine of this Measure;

- “ churchyard ” includes a closed churchyard ;
- “ the Commission ” has the meaning assigned to it by section one of this Measure ;
- “ company ” includes the Bank of England and any company or person keeping books in which any stock is registered or inscribed ;
- “ dean and chapter cathedral ” means any cathedral church in respect of which there is a corporate body known as the dean and chapter ;
- “ diocesan authority ” means the diocesan board of finance or any existing or future body appointed by the diocesan conference to act as trustees of diocesan trust property ;
- “ diocesan stipends fund ” means the diocesan stipends fund established under the Reorganisation Areas Measure, 1944, or the Pastoral Reorganisation Measure, 1949 ;
- “ functions ” includes powers and duties ;
- “ house of residence ” includes all buildings, gardens and other land held therewith ;
- “ land ” includes any corporeal or incorporeal hereditaments of any tenure ;
- “ lease ” includes a tenancy ;
- “ moneys ” includes any stock, share, or other security ;
- “ parish church cathedral ” means any cathedral church other than a dean and chapter cathedral ;
- “ property ” includes a thing in action and any interest in real or personal property ;
- “ residentiary canon ” includes a stipendiary canon ;
- “ stock ” includes any share, annuity or other security.

(2) Any reference in this Measure (except in paragraph (b) of subsection (1) of section ten thereof) to a provost shall be construed as including a reference to the Dean of St. Albans and to any dean appointed after the passing of this Measure in a parish church cathedral.

(3) For the purposes of this Measure a dwelling house shall not be regarded as a building ancillary to a cathedral church.

(4) 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.

53. The enactments specified in the First Schedule to this Measure, being enactments relating to the sale, purchase, exchange, leasing and other dealings with ecclesiastical property, shall, to the extent specified in the third column of that Schedule, cease to apply to any body corporate, whether aggregate or sole, in any cathedral church.

Certain enactments to cease to apply to cathedral corporations.

Repeals and transitional provisions.

54.—(1) The enactments specified in the Second Schedule to this Measure are hereby repealed to the extent specified in the third column of that Schedule.

(2) The repeal by this Measure of any enactment shall not affect any scheme confirmed under that enactment which is in force immediately before the passing of this Measure, and any such scheme shall, except so far as it is varied or revoked by or under this Measure, continue in force as if this Measure had not been passed.

(3) Any functions which are at the passing of this Measure exercisable in relation to property by the capitular body of a cathedral church shall, until a scheme is in force for that cathedral church under this Measure, be exercisable by the body by which administrative functions in relation to the cathedral church are exercisable under the constitution and statutes then in force for that cathedral church.

(4) The repeal by this Measure of the Parish of Manchester Division Act, 1850 (Amendment) Measure, 1926, shall not affect the power of the bishop of Manchester under section two of that Measure to assign additional duties to a canon of Manchester cathedral, other than a canon whose stipend is paid by the Church Commissioners under section twenty-eight of this Measure.

Extent of Measure.

55. This Measure shall apply to every cathedral church in England existing at the passing of this Measure except the cathedral church of Christ in Oxford:

Provided that—

- (a) sections forty-two, forty-three, fifty-two and fifty-four of this Measure shall apply to the cathedral church of Christ in Oxford, and
- (b) the provisions of this Measure specified in subsection (4) of section forty-two of this Measure shall apply as provided in that section in relation to a canon appointed thereunder for the said cathedral church.

Short title.

56. This Measure may be cited as the *Cathedrals Measure, 1963*.

FIRST SCHEDULE

Section 53.

ENACTMENTS WHICH CEASE TO APPLY TO
CATHEDRAL CORPORATIONS

ACTS OF PARLIAMENT

Session and chapter	Short title	How far to cease to apply to cathedral corporations
13 Eliz. c. 10...	—	The whole Act.
14 Eliz. c. 11...	—	The whole Act.
18 Eliz. c. 11...	—	The whole Act.
5 Geo. 3. c. 17	The Ecclesiastical Leases Act, 1765.	The whole Act.
39 & 40 Geo. 3. c. 41.	The Ecclesiastical Leases Act, 1800.	The whole Act.
2 & 3 Will. 4. c. 80.	The Ecclesiastical Corporations Act, 1832.	The whole Act.
6 & 7 Will. 4. c. 20.	The Ecclesiastical Leases Act, 1836.	The whole Act.
6 & 7 Will. 4. c. 64.	The Ecclesiastical Leases (Amendment) Act, 1836.	The whole Act.
3 & 4 Vict. c. 113.	The Ecclesiastical Commissioners Act, 1840.	Section sixty-eight.
4 & 5 Vict. c. 39.	The Ecclesiastical Commissioners Act, 1841.	Section twenty-one.
5 & 6 Vict. c. 108.	The Ecclesiastical Leasing Act, 1842.	The whole Act.
14 & 15 Vict. c. 104.	The Episcopal and Capitular Estates Act, 1851.	The whole Act.
17 & 18 Vict. c. 116.	The Episcopal and Capitular Estates Act, 1854.	The whole Act.
21 & 22 Vict. c. 57.	The Ecclesiastical Leasing Act, 1858.	The whole Act.
23 & 24 Vict. c. 124.	The Ecclesiastical Commissioners Act, 1860.	Sections sixteen to nineteen.
29 & 30 Vict. c. 111.	The Ecclesiastical Commissioners Act, 1866.	Section four.
8 & 9 Geo. 5. c. 42.	The Loans (Incumbents of Benefices) Amendment Act, 1918.	The whole Act.

CHURCH ASSEMBLY MEASURE

Session and number	Short title	How far to cease to apply to cathedral corporations
26 Geo. 5 and 1 Edw. 8. No. 5.	The Ecclesiastical Commissioners (Powers) Measure, 1936.	Section six.

Section 54.

SECOND SCHEDULE

ENACTMENTS REPEALED

ACTS OF PARLIAMENT

Session and chapter	Short title	Extent of repeal
6 Anne c. 75...	The Cathedral Statutes Act, 1707.	The whole Act.
3 & 4 Vict. c. 113.	The Ecclesiastical Commissioners Act, 1840.	Sections one to four; sections eight to fifteen; sections seventeen and eighteen; sections twenty to twenty-three; sections twenty-five, twenty-six, twenty-eight, thirty-three, forty-one, forty-five and forty-six; sections forty-nine to fifty-three; sections fifty-nine, sixty-one, sixty-three, sixty-four and sixty-six, and the Schedule.
4 & 5 Vict. c. 39.	The Ecclesiastical Commissioners Act, 1841.	Sections two, five, six, seven, fifteen, sixteen, eighteen, nineteen, twenty, twenty-five and twenty-six.
5 & 6 Vict. c. 26.	The Ecclesiastical Houses of Residence Act, 1842.	Sections five, six and seven.
13 & 14 Vict. c. 41.	The Parish of Manchester Division Act, 1850.	Sections five to eight; section fourteen; section twenty-six; and sections thirty-five to thirty-seven.
13 & 14 Vict. c. 94.	The Ecclesiastical Commissioners Act, 1850.	Sections nineteen, twenty and twenty-one.
13 & 14 Vict. c. 98.	The Pluralities Act, 1850 ...	Section five.
31 & 32 Vict. c. 114.	The Ecclesiastical Commission Act, 1868.	Sections three, four, nine, ten and thirteen.
36 & 37 Vict. c. 64.	The Ecclesiastical Commissioners Act, 1873.	The whole Act.
47 & 48 Vict. c. 33.	The Newcastle Chapter Act, 1884.	The whole Act.
62 & 63 Vict. c. 28.	The Manchester Canonries Act, 1899.	The whole Act.
6 Edw. 7. c. 19	The Deanery of Manchester Act, 1906.	The whole Act.
8 & 9 Geo. 5. c. 42.	The Loans (Incumbents of Benefices) Amendment Act, 1918.	Section seven.

CHURCH ASSEMBLY MEASURES

2ND SCH.

Session and number	Short title	Extent of repeal
14 & 15 Geo. 5. No. 4.	The Bishopric of Blackburn Measure, 1923.	Sections five and eight.
14 & 15 Geo. 5. No. 5.	The Diocese of Southwell (Division) Measure, 1923.	Sections five and eight.
14 & 15 Geo. 5. No. 6.	The Diocese of Winchester (Division) Measure, 1924.	Sections seven and ten.
15 & 16 Geo. 5. No. 2.	The Bishopric of Leicester Measure, 1925.	Sections six and nine.
16 & 17 Geo. 5. No. 3.	The Parish of Manchester Division Act, 1850 (Amendment) Measure, 1926.	The whole Measure.
16 & 17 Geo. 5. No. 4.	The Ecclesiastical Commissioners Measure, 1926.	Section two.
20 & 21 Geo. 5. No. 2.	The Archdeaconry of Surrey Measure, 1930.	The whole Measure.
21 & 22 Geo. 5. No. 7.	The Cathedrals Measure, 1931.	The whole Measure, except sections twenty-three, twenty-nine and thirty.
24 & 25 Geo. 5. No. 3.	The Cathedrals (Amendment) Measure, 1934.	The whole Measure.
26 Geo. 5 & 1 Edw. 8. No. 4.	The Cathedrals (Houses of Residence) Measure, 1936.	The whole Measure.
1 Edw. 8 & 1 Geo. 6. No. 3.	The Southwark Cathedral Measure, 1937.	Sections two, five and eight, and the First and Second Schedules.
14 & 15 Geo. 6. No. 4.	The Cathedrals (Appointed Commissions) Measure, 1951.	The whole Measure.
2 & 3 Eliz. 2. No. 3.	The Cathedrals (Grants) Measure, 1954.	The whole Measure.
7 & 8 Eliz. 2. No. 1.	The Truro Cathedral Measure, 1959.	Sections seven, eight and nine.
7 & 8 Eliz. 2. No. 2.	The Vacancies in Sees Measure, 1959.	Section six.
7 & 8 Eliz. 2. No. 3.	The Guildford Cathedral Measure, 1959.	The whole Measure, except section two, in section nine the definition of "cathedral church" and section eleven.

Table of Enactments referred to in this Measure

Short title	Session and chapter
—	13 Eliz. c. 10.
—	14 Eliz. c. 11.
—	18 Eliz. c. 11.
The Cathedral Statutes Act, 1707	6 Anne c. 75.
The Ecclesiastical Leases Act, 1765	5 Geo. 3. c. 17.
The Ecclesiastical Leases Act, 1800	39 & 40 Geo. 3. c. 41.
The Ecclesiastical Corporations Act, 1832	2 & 3 Will. 4. c. 80.
The Ecclesiastical Leases Act, 1836	6 & 7 Will. 4. c. 20.
The Ecclesiastical Leases (Amendment) Act, 1836	6 & 7 Will. 4. c. 63.
The Ecclesiastical Commissioners Act, 1840	3 & 4 Vict. c. 113.
The Ecclesiastical Commissioners Act, 1841	4 & 5 Vict. c. 39.
The Ecclesiastical Houses of Residence Act, 1842	5 & 6 Vict. c. 26.
The Ecclesiastical Leasing Act, 1842	5 & 6 Vict. c. 108.
The Parish of Manchester Division Act, 1850	13 & 14 Vict. c. 41.
The Ecclesiastical Commissioners Act, 1850	13 & 14 Vict. c. 94.
The Pluralities Act, 1850	13 & 14 Vict. c. 98.
The Episcopal and Capitular Estates Act, 1851... ..	14 & 15 Vict. c. 104.
The Episcopal and Capitular Estates Act, 1854... ..	17 & 18 Vict. c. 116.
The Ecclesiastical Leasing Act, 1858	21 & 22 Vict. c. 57.
The Ecclesiastical Commissioners Act, 1860	23 & 24 Vict. c. 124.
The Ecclesiastical Commissioners Act, 1866	29 & 30 Vict. c. 111.
The Ecclesiastical Commission Act, 1868	31 & 32 Vict. c. 114.
The Ecclesiastical Commissioners Act, 1873	36 & 37 Vict. c. 64.
The Newcastle Chapter Act, 1884	47 & 48 Vict. c. 33.
The Manchester Canonries Act, 1899	62 & 63 Vict. c. 28.
The Deanery of Manchester Act, 1906	6 Edw. 7. c. 19.
The Loans (Incumbents of Benefices) Amendment Act, 1918	8 & 9 Geo. 5. c. 42.
The Union of Benefices Measure, 1923	14 & 15 Geo. 5. No. 2.
The Ecclesiastical Dilapidations Measure, 1923... ..	14 & 15 Geo. 5. No. 3.
The Bishopric of Blackburn Measure, 1923	14 & 15 Geo. 5. No. 4.
The Diocese of Southwell (Division) Measure, 1923	14 & 15 Geo. 5. No. 5.
The Diocese of Winchester (Division) Measure, 1924	14 & 15 Geo. 5. No. 6.
The Bishopric of Leicester Measure, 1925	15 & 16 Geo. 5. No. 2.
The Parish of Manchester Division Act, 1850 (Amendment) Measure, 1926	16 & 17 Geo. 5. No. 3.
The Ecclesiastical Commissioners Measure, 1926	16 & 17 Geo. 5. No. 4.
The Saint Catharine's College, Cambridge (Canonship of Norwich) Act, 1927	17 & 18 Geo. 5. c. lvi.
The Ecclesiastical Dilapidations (Amendment) Measure, 1929	19 & 20 Geo. 5. No. 3.
The Archdeaconry of Surrey Measure, 1930	20 & 21 Geo. 5. No. 2.
The Architects (Registration) Act, 1931	21 & 22 Geo. 5. c. 33.
The Cathedrals Measure, 1931	21 & 22 Geo. 5. No. 7.
The Architects (Registration) Act, 1934	24 & 25 Geo. 5. c. 38.
The Cathedrals (Amendments) Measure, 1934	24 & 25 Geo. 5. No. 3.
The Union of Benefices (Amendment) Measure, 1936	26 Geo. 5 & 1 Edw. 8. No. 2.
The Cathedrals (Houses of Residence) Measure, 1936	26 Geo. 5 & 1 Edw. 8. No. 4.

Short title	Session and chapter
The Ecclesiastical Commissioners (Powers) Measure, 1936	26 Geo. 5 & 1 Edw. 8. No. 5.
The Southwark Cathedral Measure, 1937 ...	1 Edw. 8 & 1 Geo. 6. No. 3.
The Architects (Registration) Act, 1938	1 & 2 Geo. 6. c. 54.
The New Parishes Measure, 1943	6 & 7 Geo. 6. No. 1.
The Reorganisation Areas Measure, 1944	7 & 8 Geo. 6. No. 1.
The Statutory Instruments Act, 1946	9 & 10 Geo. 6. c. 36.
The Pastoral Reorganisation Measure, 1949	12 & 13 Geo. 6. No. 3.
The Ecclesiastical Dilapidations Measures, 1923 to 1929 (Amendment) Measure, 1951	14 & 15 Geo. 6. No. 3.
The Cathedrals (Appointed Commissions) Measure, 1951	14 & 15 Geo. 6. No. 4.
The Benefices (Stabilization of Incomes) Measure, 1951	14 & 15 Geo. 6. No. 5.
The Union of Benefices (Disused Churches) Measure, 1952	1 Eliz. 2. No. 1.
The Diocesan Stipends Funds Measure, 1953	1 & 2 Eliz. 2. No. 2.
The Cathedrals (Grants) Measure, 1954	2 & 3 Eliz. 2. No. 3.
The Representation of the Laity Measure, 1956... ..	4 & 5 Eliz. 2. No. 2.
The Parochial Church Councils (Powers) Measure, 1956	4 & 5 Eliz. 2. No. 3.
The Church Funds Investment Measure, 1958	6 & 7 Eliz. 2. No. 1.
The Truro Cathedral Measure, 1959	7 & 8 Eliz. 2. No. 1.
The Vacancies in Sees Measure, 1959	7 & 8 Eliz. 2. No. 2.
The Guildford Cathedral Measure, 1959	7 & 8 Eliz. 2. No. 3.
The Charities Act, 1960	8 & 9 Eliz. 2. c. 58.
The Church Property (Miscellaneous Provisions) Measure, 1960	8 & 9 Eliz. 2. No. 1.
The Trustee Investments Act, 1961	9 & 10 Eliz. 2. c. 62.



TABLE V

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 1963

[NOTE: Where as a result of the repeal of s. 313 (3) of the Highways Act 1959 (c. 25) by the London Government Act 1963 (c. 33) an amendment made by the 1959 Act now extends to London, a reference is given to both the 1963 Act and the amending provision of the Highways Act 1959, which is added in square brackets.]

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
13 Edw. 1 ...	Statute of Circumspecte Agatis.	Rep. (<i>prosp.</i>)	C.A.M. No. 1, s. 87, sch. 5.
18 Edw. 1 ...	Statute of the Writ of Consultation.	Rep. (<i>prosp.</i>)	C.A.M. No. 1, s. 87, sch. 5.
9 Edw. 2: Stat. 1 ...	Articles for the Clergy ...	Chapters I, II, VI, VII rep. (<i>prosp.</i>).	C.A.M. No. 1, s. 87, sch. 5.
25 Edw. 3: Stat. 6 ...	An Ordinance for the Clergy.	Chapter VIII rep. (<i>prosp.</i>)	C.A.M. No. 1, s. 87, sch. 5.
50 Edw. 3 ...	Of the Pardons and Graces granted by the King to the Commonalty of His Realm of England.	Rep. (<i>prosp.</i>)	C.A.M. No. 1, s. 87, sch. 5.
2 Hen. 5: Stat. 1 ...	—	Chapter III rep. (<i>prosp.</i>)	C.A.M. No. 1, s. 87, sch. 5.
21 Hen. 8: c. 6 ...	Mortuaries Act 1529 ...	Rep. (<i>prosp.</i>)	C.A.M. No. 1, s. 87, sch. 5.
22 Hen. 8: c. 5 ...	Bridges Act 1530 ...	Rep. (London) (1.4.1965)	33, s. 16 (2), sch. 6 para. 70.
23 Hen. 8: c. 9 ...	Ecclesiastical Jurisdiction Act 1531.	Rep. (<i>prosp.</i>)	C.A.M. No. 1, s. 87, sch. 5.
24 Hen. 8: c. 12 ...	Ecclesiastical Appeals Act 1532.	Ss. 3, 4 rep. in pt. (<i>prosp.</i>)	C.A.M. No. 1, s. 87, sch. 5.
25 Hen. 8: c. 19 ...	Submission of the Clergy Act 1533	Ss. 4 rep. in pt. (<i>prosp.</i>), 6 rep. (<i>prosp.</i>).	C.A.M. No. 1, s. 87, sch. 5.
32 Hen. 8: c. 7 ...	Tithe Act 1540	S. 5, proviso rep. (<i>prosp.</i>)	C.A.M. No. 1, s. 87, sch. 5.
2 & 3 Edw. 6: c. 1 ...	Act of Uniformity 1548	Ss. 5, 12 and 13 rep. (<i>prosp.</i>).	C.A.M. No. 1, s. 87, sch. 5.
5 & 6 Edw. 6: c. 4 ...	Brawling Act 1551 ...	Rep. (<i>prosp.</i>)	C.A.M. No. 1, s. 87, sch. 5.
1 Mary, Sess. 2: c. 3 ...	Brawling Act 1553 ...	Ss. 5, 6 rep. (<i>prosp.</i>) ...	C.A.M. No. 1, s. 87, sch. 5.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
1 Eliz. 1: c. 2	Act of Uniformity 1558	Se. 6, 11, 12 rep. (<i>prosp.</i>)	C.A.M. No. 1, s. 87, sch. 5.
5 Eliz. 1: c. 23	Writ De Excommunicato Capiendo Act 1562.	Rep. (<i>prosp.</i>)	C.A.M. No. 1, s. 87, sch. 5.
13 Eliz. 1: c. 12	Ordination of Ministers Act 1571.	S. 2 rep. (<i>prosp.</i>) ...	C.A.M. No. 1, s. 87, sch. 5.
1 Chas. 1: c. 1	Sunday Observance Act 1625.	Second proviso rep. (<i>prosp.</i>)	C.A.M. No. 1, s. 87, sch. 5.
3 Chas. 1: c. 2	Act for the further reformation of sondry abuses committed on the Lord's day commonlie called Sunday.	Third proviso rep. (<i>prosp.</i>)	C.A.M. No. 1, s. 87, sch. 5.
16 Chas. 1: c. 11	An Act for repeal of a branch of a Statute primo Elizabethæ concerning Commissioners for causes Ecclesiasticall.	Rep. (<i>prosp.</i>)	C.A.M. No. 1, s. 87, sch. 5.
13 Chas. 2: Stat. 1: c. 12	Ecclesiastical Jurisdiction Act 1661.	Rep. exc. s. 4 (<i>prosp.</i>) ...	C.A.M. No. 1, s. 87, sch. 5.
29 Chas. 2: c. 9	Ecclesiastical Jurisdiction Act 1677.	Rep. (<i>prosp.</i>)	C.A.M. No. 1, s. 87, sch. 5.
18 Edw. 3, Stat. 3: c. 5	Prohibitions	Rep.	30, S.L.R.
50 Edw. 3: c. 4	Prohibition shall not be allowed, after consultation granted.	Rep. in application to N.I.	30, S.L.R.
13 Eliz. 1: c. 10	Ecclesiastical Leases Act 1571.	Excl. (cathedral corporations).	C.A.M. No. 2 s. 53, sch. 1.
14 Eliz. 1: c. 11	Ecclesiastical Leases Act 1572.	Excl. (cathedral corporations).	C.A.M. No. 2 s. 53, sch. 1.
18 Eliz. 1: c. 11	Ecclesiastical Leases Act 1575.	Excl. (cathedral corporations).	C.A.M. No. 2 s. 53, sch. 1.
1 Ann.: c. 12	Bridges Act 1702 ...	Rep. (London) (1.4.1965)	33, s. 16 (2), sch. 6 para. 70.
6 Ann.: c. 11	Union with Scotland Act 1706.	Arts. XXII rep. in pt., XXIII rep. in pt.	48, s. 7 (2), sch. 2
1706: c. 7 (S.) ...	An Act of the Parliament of Scotland ratifying and approving the Treaty of Union of the two Kingdoms of Scotland and England.	Arts. XXII and XXIII rep. in pt.	48, s. 7 (2), sch. 2

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
1706— <i>cont.</i>			
c. 8 (S.) ...	An Act of the Parliament of Scotland settling the manner of electing the sixteen peers and forty-five commoners to represent Scotland in the Parliament of Great Britain.	Rep. so far as relating to peers of Scotland.	48, s. 7 (2), sch. 2.
c. 75 ...	Cathedral Statutes Act 1707.	Rep.	C.A.M. No. 2, s. 54 (1), sch. 2.
c. 78 ...	Scottish Representative Peers Act 1707.	Rep.	48, ss. 4, 7 (2), sch. 2.
4 Geo. 2: c. 32 ...	Theft Act 1730	Rep.	30, S.L.R.
12 Geo. 2: c. 29 ...	County Rates Act 1738...	Rep. (London) (1.4.1965)	33, s. 16 (2), sch. 6 para. 70.
14 Geo. 2: c. 33 ...	Bridges Act 1740 ...	Rep. (London) (1.4.1965)	33, s. 16 (2), sch. 6 para. 70.
25 Geo. 2: c. 36 ...	Disorderly Houses Act 1751.	Ss. 2-4 rep. (1.4.1965) ...	33, s. 93 (1), sch. 18 Pt. II.
26 Geo. 2: c. 22 ...	British Museum Act 1753	Rep. (saving)	24, s. 13 (5) (6), sch. 4.
27 Geo. 2: c. 16 ...	—	S. 3 rep.	24, s. 13 (5), sch. 4.
28 Geo. 2: c. 6 ...	Mortuaries (Chester) Act 1755.	Preamble and s. 1 rep. (<i>prosp.</i>).	C.A.M. No. 1, s. 87, sch. 5.
5 Geo. 3: c. 17 ...	Ecclesiastical Leases Act 1765.	Excl. (cathedral corporations).	C.A.M. No. 2, s. 53, sch. 1.
7 Geo. 3: c. 18 ...	British Museum Act 1767	Rep.	24, s. 13 (5), sch. 4.
13 Geo. 3: c. 78 ...	[Highways] Act 1773 ...	Rep. (London)	33, s. 16 (2), sch. 6 para. 70.
21 Geo. 3: c. 49 ...	Sunday Observance Act, 1780.	S. 7 rep. (<i>prosp.</i>) ...	C.A.M. No. 1, s. 87, sch. 5.
31 Geo. 3: c. 32 ...	Roman Catholic Relief Act 1791.	S. 12 rep. in pt. (<i>prosp.</i>)...	C.A.M. No. 1, s. 87, sch. 5.
36 Geo. 3: c. 88 ...	Hay and Straw Act 1796	Ss. 2, 3, 6, 7, 13 rep., 14 rep. in pt., 21, 22 rep. (all on 31.7.1965).	31, s. 63 (1) (b), sch. 9 Pt. II.
38 Geo. 3: c. 5 ...	Land Tax Act 1797 ...	Rep. exc. ss. 30, 31 ...	25, s. 73 (8) (b), sch. 14 Pt. VI.
c. 48 ...	Land Tax Commissioners Act 1798.	Rep.	25, s. 73 (8) (b), sch. 14 Pt. VI.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
39 & 40 Geo. 3: c. 41 c. 67	Ecclesiastical Leases Act 1800. Union with Ireland Act 1800.	Excl. (cathedral corporations). Art. IV rep. in pt. ...	C.A.M. No. 2, s. 53, sch. 1. 48, s. 7 (2), sch. 2.
42 Geo. 3: c. 116	Land Tax Redemption Act 1802.	Preamble and ss. 1-77 rep., 78 rep. in pt., 79 rep. in pt., 80, 81 rep., 82 rep. in pt., 83, 84, 114 proviso, 131-139, 143-149 rep., 155 rep. in pt., 164-199 rep., schs. rep.	25, s. 73 (8) (b), sch. 14 Pt. V.
43 Geo. 3: c. 59	Bridges Act 1803 ...	Rep. (London)	33, s. 16 (2), sch. 6 para. 70.
45 Geo. 3: c. 77 c. 127	Land Tax Redemption Act 1805. British Museum Act 1805	Rep. Rep.	25, s. 73 (8) (b), sch. 14 Pt. V. 24, s. 13 (5), sch. 4.
47 Geo. 3: Sess. 2 c. 36	British Museum Act 1807	Rep.	24, s. 13 (5), sch. 4.
48 Geo. 3: c. 110	Herring Fishery (Scotland) Act 1808.	Ss. 10 rep., 11 rep. in pt., 12, 18, 31, 32, 34-38, 40-45, 47, 49, 51, 54, 58, 59 rep.	30, S.L.R.
50 Geo. 3: c. 58	Land Tax Redemption Act 1810.	S. 2 rep. in pt.	25, s. 73 (8) (b), sch. 14 Pt. V.
52 Geo. 3: c. 110 c. 155	Bridges Act 1812 ... Places of Religious Worship Act 1812.	Rep. (London) (1.4.1965) S. 2 am. (<i>prosp.</i>) ...	33, s. 16 (2), sch. 6 para. 70. C.A.M. No. 1, s. 86, sch. 4.
53 Geo. 3: c. 123 c. 127	Land Tax Redemption Act 1813. Ecclesiastical Courts Act 1813.	Ss. 1-12 rep., 13 rep. (saving) 14-22 rep., 26 rep. in pt., 27 rep., 28 rep. in pt., 29-44, schs. rep. Ss. 1-3 rep, 5 rep. in pt., 7 rep. in pt., schs. rep. (<i>prosp.</i>).	25, s. 73 (8) (b), sch. 14 Pt. V. C.A.M. No. 1, s. 87, sch. 5.
54 Geo. 3: c. 90 c. 173	Bridges Act 1814 ... Land Tax Redemption Act 1814.	Rep. (London) Rep.	33, s. 16 (2), sch. 6 para. 70. 25, s. 73 (8) (b), sch. 14 Pt. V.
55 Geo. 3: c. 94	Herring Fishery (Scotland) Act 1815.	Ss. 1, 10, 12 rep. ... S. 13 saved Ss. 14, 15, 17, 18, 20, 21, 23, 31-33, 38, 40, 43 rep.	30, S.L.R. 31, s. 60 (1) (a). 30, S.L.R.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
55 Geo. 3— <i>cont.</i> c. 128 ...	Admiralty (Signal Stations) Act 1815.	Rep.	30, S.L.R.
c. 143 ...	Bridges Act 1815 ...	Rep. (London) (1.4.1965)	33, s. 16 (2), sch. 6 para. 70.
56 Geo. 3: c. 99	British Museum Act 1816	Rep.	24, s. 13 (5), sch. 4.
57 Geo. 3: c. 100	Land Tax Redemption Act 1817.	Rep. exc. ss. 20, 21 ...	25, s. 73 (8) (b), sch. 14 Pt. V.
3 Geo. 4: c. 126	Turnpike Roads Act 1822	Ss. 118, 124 rep. (London) (1.4.1965).	33, s. 16 (2), sch. 6 para. 70.
4 Geo. 4: c. 35	Statutory Commissioners Act 1823.	Rep.	30, S.L.R.
c. 61	Court of Chancery (Ireland) Act 1823.	Ss. 12 rep., 57 rep. in pt.	30, S.L.R.
c. 80	Lascars Act 1823 ...	Rep.	30, S.L.R.
5 Geo. 4: c. 39	British Museum Act 1824	Rep.	24, s. 13 (5), sch. 4.
c. 60	British Museum (No. 2) Act 1824.	Rep.	24, s. 13 (5), sch. 4.
c. 78	Duchy of Cornwall Act 1824.	Rep.	25, s. 73 (8) (b), sch. 14 Pt. V.
6 Geo. 4: c. 42	Bankers (Ireland) Act 1825	Rep.	30, S.L.R.
c. 120	Court of Session Act 1825	S. 28 restr.	47, s. 13 (1).
7 & 8 Geo. 4: c. 17	Distress (Costs) Act 1827	Rep. in pt.	25, s. 73 (8) (b), sch. 14 Pt. VI.
c. 28	Criminal Law Act 1827...	S. 1 rep. in pt.	30, S.L.R.
c. 75	Land Tax Commissioners Act 1827.	Rep.	25, s. 73 (8) (b), sch. 14 Pt. VI.
9 Geo. 4: c. 38	Land Tax Commissioners Act 1828.	Rep.	25, s. 73 (8) (b), sch. 14 Pt. VI.
c. 65	Bank Notes (No. 2) Act 1828.	Rep.	30, S.L.R.
10 Geo. 4: c. 53	Ecclesiastical Court Act, 1829.	Rep. (<i>prosp.</i>)	C.A.M. No. 1, s. 87, sch. 5.
11 Geo. 4 & 1 Will. 4: c. 32	Banks (Ireland) Act 1830	Rep.	30, S.L.R.
c. 36	Contempt of Court Act 1830.	S. 15 rr. 7, rep., 16 rep. in pt., 17, 18 rep., ss. 18 rep. in pt., 21 rep. in pt.	30, S.L.R.
c. 39	Transportation Act 1830	Rep.	30, S.L.R.
c. 54	Fisheries (Scotland) Act 1830.	Ss. 2, 3, 5 rep.	30, S.L.R.
c. 69	Court of Session Act 1830	S. 21 rep. in pt.	30, S.L.R.
c. 70	Law Terms Act 1830 ...	S. 37 restr.	47, s. 13 (1).
c. 71	Acts of Parliament (Mistaken References) Act 1830.	S. 15 rep. in pt.	30, S.L.R.
		Rep.	30, S.L.R.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
1 Will. 4: c. 22	Evidence on Commission Act 1831.	Rep.	30, S.L.R.
2 & 3 Will. 4: c. 46	British Museum Act 1832	Rep.	24, s. 13 (5), sch. 4.
c. 80	Ecclesiastical Corporations Act 1832.	Excl. (cathedral corporations).	C.A.M. No. 2, s. 53, sch. 1.
c. 92	Privy Council Appeals Act 1832.	} Rep. (<i>prosp.</i>)	C.A.M. No. 1, s. 87, sch. 5.
c. 93	Ecclesiastical Courts (Contempt) Act 1832.		
3 & 4 Will. 4: c. 13	Public Revenue (Scotland) Act 1833.	Ss. 1 rep. in pt., 4 rep., 8 rep. in pt.	25, s. 73 (8) (b), sch. 14 Pt. VI
c. 41	Judicial Committee Act 1833.	Appl. (Kenya) (Zanzibar)	54, s. 6 (3). 55, s. 3 (4).
5 & 6 Will. 4: c. 50	Highway Act 1835 ...	Ss. 5 rep. in pt. (London), 19-21 rep. (London), 22 rep. in pt. (London), 23-26 rep. (London), 35, 41, 45, 47, 49, 51-70 rep. (London), 72 rep. in pt. (London), 73, 75 rep. (London), 78 rep. in pt. (London), 79-96 rep. (London), 99 rep. (London), 103 rep. in pt. (London), 111 rep. (London) (all on 1.4.1965). S. 112 rep. in pt. (1.4.1965). Ss. 113, 117, 118, sch. rep. (London) (1.4.1965).	33, s. 16 (2), sch. 6 para. 70. 33, s. 93 (1), sch. 18 Pt. II. 33, s. 16 (2), sch. 6 p ra. 70.
6 & 7 Will. 4: c. 20	Ecclesiastical Leases Act 1836.	Excl. (cathedral corporations).	C.A.M. No. 2, s. 53, sch. 1.
c. 64	Ecclesiastical Leases (Amendment) Act 1836.	Excl. (cathedral corporations).	C.A.M. No. 2, s. 53, sch. 1.
c. 71	Tithe Act 1836	Ss. 58 rep. (<i>prosp.</i>), 71 rep. in pt. (<i>prosp.</i>), 72, 75 rep. (<i>prosp.</i>), 73, 76 rep. in pt. (<i>prosp.</i>), 77, 78, 90, 91, 95 rep. (<i>prosp.</i>).	14, s. 3 (4), sch.
c. 87	Liberties Act 1836 ...	Ss. 12 rep. in pt., 13, 14 rep.	30, S.L.R.
7 Will. 4 & 1 Vict.: c. 41	Small Debt (Scotland) Act 1837.	Am. Mod. Ext.	22, s. 2 (1) (2). 22, s. 3 (1). 22, s. 3 (2).
c. 53	Liberty of Ely Act 1837	Ss. 1-4 rep.	30, S.L.R.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
1 & 2 Vict.:			
c. 2 ...	Civil List Act 1837 ...	S. 14 rep. in pt. ...	30, S.L.R.
c. 58 ...	Land Tax Redemption Act 1838.	Rep. ...	25, s. 73 (8) (b), sch. 14 Pt. V.
c. 64 ...	Tithe Act 1838 ...	Rep. (<i>prosp.</i>) ...	14, s. 3 (4), sch.
c. 96 ...	Joint Stock Banks Act 1838.	Rep. ...	30, S.L.R.
c. 106 ...	Pluralities Act 1838 ...	S. 31 am. and rep. in pt. (<i>prosp.</i>).	C.A.M. No. 1, s. 86, sch. 4.
c. 119 ...	Sheriff Courts (Scotland) Act 1838.	S. 25 rep. in pt. (saving)	39, ss. 41, 52 (2) (3), sch. 6.
2 & 3 Vict.:			
c. 10 ...	—	Rep. ...	24, s. 13 (5), sch. 4.
c. 47 ...	Metropolitan Police Act 1839.	S. 12 rep. (saving)	39, ss. 39 (5), 52 (2) (3), sch. 6.
c. 62 ...	Tithe Act 1839 ...	S. 44 expld. ... Rep., exc. ss. 1, 15, 37 (<i>prosp.</i>).	2, s. 40. 14, s. 3 (4), sch.
3 & 4 Vict.:			
c. 15 ...	Tithe Act 1840 ...	Rep. (<i>prosp.</i>) ...	14, s. 3 (4), sch.
c. 86 ...	Church Discipline Act 1840.	} Rep. (<i>prosp.</i>) ...	C.A.M. No. 1, s. 87, sch. 5.
c. 93 ...	Ecclesiastical Courts Act 1840.		
c. 110 ...	Loan Societies Act 1840	Expld. (London) (1.4.1965).	33, s. 62 (5).
c. 113 ...	Ecclesiastical Commissioners Act 1840.	Rep. (<i>prosp.</i>) ... Ss. 1-4, 8-15, 17, 18, 20-23, 25, 26, 28, 33, 41, 45, 46, 49-53, 59, 61, 63, 64, 66 rep. S. 68 excl. (cathedral corporations). Ss. 84, 85 appl., 86 appl. as mod., 88, 89 appl. Sch. rep. ...	C.A.M. No. 1, s. 87, sch. 5. C.A.M. No. 2, s. 54 (1), sch. 2. C.A.M. No. 2, s. 53, sch. 1. C.A.M. No. 2, s. 19 (3). C.A.M. No. 2, s. 54 (1), sch. 2.
4 & 5 Vict.:			
c. 39 ...	Ecclesiastical Commissioners Act 1841.	Ss. 2, 5-7, 15, 16, 18-20 rep. S. 21 excl. (cathedral corporations). Ss. 25, 26 rep. ...	C.A.M. No. 2, s. 54 (1), sch. 2. C.A.M. No. 2, s. 53, sch. 1. C.A.M. No. 2, s. 54 (1), sch. 2.
c. 51 ...	Highway Act 1841 ...	Rep. (London) (1.4.1965)	33, s. 16 (2), sch. 6 para. 70.
5 & 6 Vict.:			
c. 26 ...	Ecclesiastical Houses of Residence Act 1842.	Ss. 5-7 rep. ...	C.A.M. No. 2, s. 54 (1), sch. 2.
c. 54 ...	Tithe Act 1842 ...	Ss. 5, 13-16 rep. (<i>prosp.</i>), 20 rep. in pt. (<i>prosp.</i>).	14, s. 3 (4), sch.
c. 108 ...	Ecclesiastical Leasing Act 1842.	Excl. (cathedral corporations).	C.A.M. No. 2, s. 53, sch. 1.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
6 & 7 Vict.: c. 68	Theatres Act 1843 ...	Expld. (London) (1.4.1965). S. 3 expld. (London) (1.4.1965). S. 7 mod. (London) (1.4.1965). S. 9 excl. (London) (1.4.1965).	33, s. 52 (3), sch. 12 para. 13. 33, s. 52 (1). 33, s. 52 (3), sch. 12 para. 14. 33, s. 52 (3), sch. 12 para. 15.
c. 82	Evidence by Commission Act 1843.	Rep.	30, S.L.R.
c. 86	London Hackney Carriages Act 1843.	S. 29 rep. (1.4.1965) ...	33, ss. 83 (1), 93 (1), schs. 17 para. 29 (a), 18 Pt. II.
7 & 8 Vict.: c. 59	Lecturers and Parish Clerks Act 1844.	Ss. 1 rep. in pt. (<i>prosp.</i>), 5 rep. (<i>prosp.</i>).	C.A.M. No. 1, s. 87, sch. 5.
c. 92	Coroners Act 1844 ...	Appl. (mod.) (London) ... S. 5 excl. in pt. (London) S. 28 excl.	33, s. 78 (1). 33, s. 78 (2). 33, s. 78 (2) (c).
8 & 9 Vict.: c. 18	Lands Clauses Consolidation Act 1845.	Incorp. (mod.) S. 68 excl. saved S. 69 rep. in pt.	38, s. 67 (2), sch. 8 para. 12. 38, s. 67 (2), sch. 8 para. 14. 38, s. 66 (5). 25, s. 73 (8) (b), sch. 14 Pt. VI.
c. 19	Lands Clauses Consolidation (Scotland) Act 1845.	Ss. 101-107 appl. (mod.) S. 67 rep. in pt. S. 84 excl. S. 108 expld.	4, s. 3 (2). 25, s. 73 (8) (b), sch. 14 Pt. VI. 51, s. 40 (1). 51, ss. 20 (1) (2), 32 (1) (2).
c. 37	Bankers (Ireland) Act 1845.	S. 22 rep.	30, S.L.R.
c. 109	Gaming Act 1845 ...	S. 11 am.	2, s. 56 (1).
c. 118	Inclosure Act 1845 ...	S. 72 rep. in pt. (London) (1.4.1965). S. 138 rep. in pt.	33, s. 16 (2), sch. 6 para. 70. 25, s. 73 (8) (b), sch. 14 Pt. V.
9 & 10 Vict.: c. 20	Parliamentary Deposits Act 1846.	Rep.	30, S.L.R.
c. 48	Art Unions Act 1846 ...	Saved (E.) (S.)	2, s. 46.
c. 73	Tithe Act 1846	Rep., exc. ss. 9 and 23 (<i>prosp.</i>).	14, s. 3 (4), sch.
c. 93	Fatal Accidents Act 1846	Ext. (E.)	47, s. 3 (2) (6).
10 & 11 Vict.: c. 14	Markets and Fairs Clauses Act 1847.	Ss. 23, 25-30 rep., 42 rep. in pt. (all on 31.7.1965).	31, s. 63 (1) (b), sch. 9 Pt. II.
c. 34	Towns Improvement Clauses Act 1847.	Ss. 48, 49, 66-74 rep. (London), 75 rep. in pt. (London), 79-83 rep. (London) (1.4.1965).	33, s. 16 (2), sch. 6 para. 70.
c. 52	Representative Peers (Scotland) Act 1847.	Rep.	48, ss. 4, 7 (2), sch. 2.
c. 65	Cometeries Clauses Act 1847.	Ss. 27-31 saved (London) (1.4.1965).	33, s. 44 (5).

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
10 & 11 Vict.— c. 89 ... <i>cont.</i>	Town Police Clauses Act 1847.	Ss. 21, 80 excl. (London), 81 excl. in pt. (London) (1.4.1965).	33, s. 40, sch. 11 Pt. I para. 8.
c. 98 ...	Ecclesiastical Jurisdiction Act 1847.	S. 9 rep. (<i>prosp.</i>)	C.A.M. No. 1, s. 87, sch. 5.
11 & 12 Vict.: c. 42 ...	Indictable Offences Act 1848.	Ss. 14, 15 excl. ...	39, s. 39 (3).
12 & 13 Vict.: c. 45 ...	Quarter Sessions Act 1849	Appl. ...	2, ss. 4 (3), 6 (1), 39, 45 (1), schs. 2 para. 6, 3 para. 13 (2), 6 para. 6, 7 para. 5.
13 & 14 Vict.: c. 26 ...	Piracy Act 1850	Ss. 2, 3 rep., Sch. A rep.	30, S.L.R.
c. 41 ...	Parish of Manchester Division Act 1850.	Ss. 5-8, 14, 26, 35-37 rep.	C.A.M. No. 2, s. 54 (1), sch. 2.
c. 94 ...	Ecclesiastical Commissioners Act 1850.	Ss. 19-21 rep. ...	C.A.M. No. 2, s. 54 (1), sch. 2.
c. 98 ...	Pluralities Act 1850	S. 5 rep. ...	C.A.M. No. 2, s. 54 (1), sch. 2.
14 & 15 Vict.: c. 26 ...	Herring Fishing Act 1851	Ss. 3, 4 rep., 8, 9 rep. in pt.	30, S.L.R.
c. 87 ...	Representative Peers (Scotland) Act 1851.	Rep. ...	48, ss. 4, 7 (2), sch. 2.
c. 102 ...	Seamen's Fund Winding-up Act 1851.	Rep. ...	30, S.L.R.
c. 104 ...	Episcopal and Capitular Estates Act 1851.	Excl. (cathedral corporations).	C.A.M. No. 2, s. 53, sch. 1.
15 & 16 Vict.: c. 79 ...	Inclosure Act 1852	S. 22 appl. (mod.)	4, s. 3 (3).
c. 85 ...	Burial Act 1852	Expld. (refs. to "Metropolis", "parish" and "burial board") (1.4.1965). Ss. 2-9 rep. (1.4.1965), 10-40, 42-44, 50 rep. (Greater London) (1.4.1965). S. 51 ext. (London) (1.4.1965). Ss. 53, 54, schs. A, B rep. (1.4.1965).	33, s. 44 (4). 33, ss. 44 (1), sch. 18 Pt. II. 33, s. 44 (3). 33, s. 93 (1), sch. 18 Pt. II.
16 & 17 Vict.: c. 90 ...	Land Tax Redemption (Investment) Act 1853.	Rep. (saving) ...	25, s. 73 (8) (b), sch. 14 Pt. V.
c. 107 ...	Customs Consolidation Act 1853.	S. 327 rep. in pt. ...	30, S.L.R.
c. 113 ...	Common Law Procedure Amendment Act (Ireland) 1853.	S. 135 rep. in pt. ...	30, S.L.R.
c. 117 ...	Land Tax Redemption (No. 2) Act 1853.	Rep. ...	25, s. 73 (8) (b), sch. 14 Pt. V.
c. 131 ...	Merchant Shipping Law Amendment Act 1853.	S. 29 rep. ...	30, S.L.R.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
16 & 17 Vict.— c. 134... .. <i>cont.</i>	Burial Act 1853... ..	Expld. (refs. to "Metropolis", "parish" and "burial board") (1.4.1965). S. 1 saved (1.4.1965) ... rep. in pt. (Greater London) (1.4.1965). Ss. 6, 8 rep. (Greater London) (1.4.1965), 9 rep. (1.4.1965).	33, s. 44 (4). 33, s. 44 (3). 33, s. 93 (1), sch. 18 Pt. II. 33, s. 93 (1), sch. 18 Pt. II.
17 & 18 Vict.:			
c. 47	Ecclesiastical Courts Act 1854.	Rep. (<i>prosp.</i>)	C.A.M. No. 1, s. 87, sch. 5.
c. 80	Registration of Births, Deaths and Marriages (Scotland) Act 1854.	Sch. G am.	S.I. No. 1327.
c. 87	Burial Act 1854... ..	Rep. (Greater London) (1.4.1965). Expld. (1.4.1965)	33, s. 93 (1), sch. 18 Pt. II. 33, s. 44 (4).
c. 91	Lands Valuation (Scotland) Act 1854.	S. 2 rep.	25, s. 73 (7) (c), sch. 13 Pt. IV.
c. 94	Public Revenue and Consolidated Fund Charges Act 1854.	Ss. 10, 13. Power to rep. Sch. A rep. in pt.	12, s. 15 (3). 30, S.L.R.
c. 97	Inclosure Act 1854	Ss. 15-20 appl. (mod.)	4, s. 3 (3).
c. 116... ..	Episcopal and Capitular Estates Act 1854.	Excl. (cathedral corporations).	C.A.M. No. 2 s. 53, sch. 1.
c. 120... ..	Merchant Shipping Repeal Act 1854.	S. 15 rep.	30, S.L.R.
18 & 19 Vict.:			
c. 36	Oxford University Act 1855.	Rep.	30, S.L.R.
c. 41	Ecclesiastical Courts Act 1855.	Rep. (<i>prosp.</i>)	C.A.M. No. 1, s. 87, sch. 5.
c. 120... ..	Metropolis Management Act 1855.	Ss. 120, 130 rep. (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.
c. 128	Burial Act 1855... ..	Expld. (refs. to "Metropolis", "parish" and "burial board") (1.4.1965). S. 1 saved (London) (1.4.1965). Ss. 3-7, 9-17 rep. (Greater London) (1.4.1965), 18 rep. in pt. (Greater London) (1.4.1965), 19, 20 rep. (Greater London) (1.4.1965).	33, s. 44 (4). 33, s. 44 (3). 33, s. 93 (1), sch. 18 Pt. II.
19 & 20 Vict.:			
c. 59	Revenue (Transfer of Charges) Act 1856.	Rep.	30, S.L.R.
c. 92	Chancery Appeal Court (Ireland) Act 1856.	Ss. 2 rep., 3 rep. in pt.	30, S.L.R.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
9 & 20 Vict.— <i>cont.</i>			
c. 113... ..	Foreign Tribunals Evidence Act 1856.	S. 1. Power to ext. ... S. 2. Power to appl. (mod.)	27, s. 4 (1). 27, s. 4 (1).
c. 114... ..	Hay and Straw Act 1856	Ss. 2 rep., 3 rep. in pt. (both on 31.7.1965).	31, s. 63 (1) (b), sch. 9 Pt. II.
10 & 21 Vict.:			
c. 35	City of London Burial Act 1857.	Rep. (1.4.1965)	33, s. 93 (1), sch. 18 Pt. II.
c. 58	Lands Valuation (Scotland) Act 1857.	S. 3 rep. in pt.	25, s. 73 (8) (b), sch. 14 Pt. VI.
c. 81	Burial Act 1857... ..	Rep. exc. ss. 23-25 (Greater London) (1.4.1965). Expld. (1.4.1965) ...	33, s. 93 (1), sch. 18 Pt. II. 33, s. 44 (4).
11 & 22 Vict.:			
c. 11	Cambridge University Act 1858.	Rep.	30, S.L.R.
c. 35	Portendic and Albreda Convention Act 1858.	Rep.	30, S.L.R.
c. 57	Ecclesiastical Leasing Act 1858.	Excl. (cathedral corporations).	C.A.M. No. 2, s. 53, sch. 1.
c. 69	Herring Fisheries (Scotland) Act 1858.	Rep.	30, S.L.R.
c. 72	Landed Estates Court (Ireland) Act 1858.	Ss. 20, 21 rep.	30, S.L.R.
22 Vict.:			
c. 26	Superannuation Act 1859	S. 17 ext. (in pt. retrospect.)	24, s. 6 (3).
22 & 23 Vict.:			
c. 31	Court of Probate Act (Ireland) 1859.	S. 35 rep.	30, S.L.R.
23 & 24 Vict.:			
c. 5	Indian Securities Act 1860.	S. 2 rep.	25, ss. 62 (5), 73 (8) (b), sch. 14 Pt. IV.
c. 27	Refreshment Houses Act 1860.	S. 32 expld.	2, s. 40.
c. 32	Ecclesiastical Courts Jurisdiction Act 1860.	S. 1 rep. (prosp.) ...	C.A.M. No. 1, s. 87, sch. 5.
c. 64	Burial Act 1860	Rep. (Greater London) (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.
c. 93	Tithe Act 1860	Ss. 10-17, 20-23, 31, 32, 35-39 rep. (prosp.), 40 rep. in pt. (prosp.), 41 rep. (prosp.).	14, s. 3 (4), sch.
c. 112	Defence Act 1860	S. 33 rep. in pt. ...	25, s. 73 (8) (b), sch. 14 Pt. VI.
c. 124	Ecclesiastical Commissioners Act 1860.	Ss. 16-19 excl. (cathedral corporations). S. 29 rep.	C.A.M. No. 2, s. 53, sch. 1. 30, S.L.R.
c. 149	Court of Chancery Act 1860.	Rep.	30, S.L.R.
24 & 25 Vict.:			
c. 72	White Herring Fishery (Scotland) Act 1861.	Ss. 1, 4, 5 rep.	30, S.L.R.
c. 91	Revenue (No. 2) Act 1861	S. 35 rep.	30, S.L.R.
c. 114	Wills Act 1861	Rep. (saving)	44, s. 7 (3) (4).

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
25 & 26 Vict.: c. 61	Highway Act 1862 ...	Rep. (London) (1.4.1965)	33, s. 16 (2), sch. 6 para. 70.
26 & 27 Vict.: c. 12	Secretary at War Abolition Act 1863.	S. 3 rep.	30, S.L.R.
c. 20	Elections in Recess Act 1863.	S. 1 rep. in pt.	30, S.L.R.
c. 32	Local Government Supplemental Act 1863.	Rep. in pt. (31.7.1965) ...	31, s. 63 (2), sch. 9 Pt. III.
c. 84	Colonial Acts Confirmation Act 1863.	Rep.	30, S.L.R.
27 & 28 Vict.: c. 95	Fatal Accidents Act 1864	Ext. (E.)	47, s. 3 (2) (6).
c. 101	Highways Act 1864 ...	Rep. (London) exc. ss. 1 in pt., 46 in pt. (1.4.1965).	33, s. 16 (2), sch. 6 para. 70.
28 & 29 Vict.: c. 22	Herring Fisheries (Scotland) Act 1865.	Rep.	30, S.L.R.
c. 48	Courts of Justice Building Act 1865.	Ss. 2, 4 rep.	30, S.L.R.
c. 63	Colonial Laws Validity Act 1865.	Excl. (Kenya)	54, s. 1 (1), sch. 1 para. 1.
c. 90	Metropolitan Fire Brigade Act 1865.	Am. (1.4.1965)	33, s. 48 (3).
c. 107	Annual Turnpike Acts Continuance Act 1865.	Rep. (London) (1.4.1965)	33, s. 16 (2), sch. 6 para. 70.
29 & 30 Vict.: c. 25	Exchequer Bills and Bonds Act 1866.	Ss. 7 rep. in pt., 28 rep. ...	30, S.L.R.
c. 111	Ecclesiastical Commissioners Act 1866.	S. 4 excl. (cathedral corporations).	C.A.M. No. 2, s. 53, sch. 1.
30 & 31 Vict.: c. 75	Office and Oath Act 1867	Ss. 1, 3 rep.	30, S.L.R.
c. 134	Metropolitan Streets Act 1867.	Ss. 10-16, 18 rep. (1.4.1965).	33, ss. 83 (1), 93 (1), schs. 17 para. 29 (b), 18 Pt. II.
31 & 32 Vict.: c. 37	Documentary Evidence Act 1868.	Ext.	38, s. 11 (9).
c. 88	Court of Chancery and Exchequer Funds (Ireland) Act 1868.	S. 2 rep. in pt.	30, S.L.R.
c. 89	Inclosure, &c., Expenses Act 1868.	Rep. so far as applying to any other Act comprised in the Tithe Acts 1836 to 1951 (<i>prosp.</i>).	14, s. 3 (4), sch.
		S. 6 rep.	11, ss. 16 (7) (8), 28, sch. Pt. II.
c. 114	Ecclesiastical Commission Act 1868.	Ss. 3, 4, 9, 10, 13 rep. ...	C.A.M. No. 2, s. 54 (1), sch. 2.
c. 122	Poor Law Amendment Act 1868.	S. 29 rep. (1.4.1965) ...	33, s. 93 (1), sch. 18 Pt. II.
c. 123	Salmon Fisheries (Scotland) Act 1868.	S. 30 appl.	38, s. 126 (1) proviso.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
32 & 33 Vict.:			
c. 42 ...	Irish Church Act 1869 ...	S. 63 rep. in pt. ...	30, S.L.R.
c. 67 ...	Valuation (Metropolis) Act 1869.	Rep. (1.4.1965) ...	33, s. 93 (1), sch. 18 Pt. II.
c. 91 ...	Courts of Justice (Salaries and Funds) Act 1869.	Ss. 3 rep. in pt., 11-14, 30, 32, 33 rep. Schs. 1, 3, 4 rep. Sch. 2 Pt. II rep.	30, S.L.R.
33 & 34 Vict.:			
c. 23 ...	Forfeiture Act 1870 ...	S. 2 rep. in pt. (<i>prosp.</i>)...	C.A.M. No. 1, s. 87, sch. 5.
c. 71 ...	National Debt Act 1870	Pt. V (ss. 26-42) rep. (<i>saving</i>) (<i>prosp.</i>).	25, ss. 71 (6), 73 (8) (b), sch. 14 Pt. VIII.
		S. 70 rep. ...	25, S.L.R.
		S. 71 rep. ...	25, s. 73 (8) (b) sch. 14 Pt. IV.
c. 73 ...	Annual Turnpike Acts Continuance Act 1870.	S. 4 rep. in pt. (London)	33, s. 16 (2), sch. 6 para. 70.
c. 78 ...	Tramways Act 1870 ...	S. 4 rep. in pt. (London) (1.4.1965).	33, s. 16 (2), sch. 6 para. 70.
c. 91 ...	Clerical Disabilities Act 1870.	S. 4 para. (3) am. (<i>prosp.</i>)	C.A.M. No. 1, ss. 52, 86, sch. 4.
34 & 35 Vict.:			
c. 33 ...	Burial Act 1871 ...	Rep. (Greater London) (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.
c. 36 ...	Pensions Commutation Act 1871.	Ss. 11 rep. in pt., 13 rep.	30, S.L.R.
c. 86 ...	Regulation of the Forces Act 1871.	Schedule rep. ...	30, S.L.R.
c. 112 ...	Prevention of Crimes Act 1871.	S. 6 rep. (S.) (<i>saving</i>) ...	39, ss. 42, 52 (2) (3), sch. 6.
35 & 36 Vict.:			
c. 61 ...	Steam Whistles Act 1872	Rep. except in application to N.I.	30, S.L.R.
c. 67 ...	Greenwich Hospital Act 1872.	Schedule rep. ...	30, S.L.R.
c. 68 ...	Military Forces Localisation Act 1872.	Schedule rep. ...	30, S.L.R.
c. 85 ...	Annual Turnpike Acts Continuance Act 1872.	S. 13 rep. in pt. (London) (1.4.1965). am. (London) (1.4.1965).	33, s. 16 (2), sch. 6 para. 70. See c. 33, s. 93 (1), sch. 18 Pt. II. [1959. c. 25. sch. 22].
36 & 37 Vict.:			
c. 64 ...	Ecclesiastical Commissioners Act 1873.	Rep. ...	C.A.M. No. 2, s. 54 (1), sch. 2.
37 & 38 Vict.:			
c. 54 ...	Rating Act 1874 ...	S. 12 rep. (1.4.1965) ...	33, s. 93 (1) sch. 18 Pt. II.
c. 85 ...	Public Worship Regulation Act, 1874.	Rep. (<i>prosp.</i>) ...	C.A.M. No. 1, s. 87, sch. 5.
38 & 39 Vict.:			
c. 17 ...	Explosives Act 1875 ...	Expld. ("local authority") (1.4.1965). Ss. 67 (2) rep., 70 rep. in pt. (1.4.1965).	33, s. 50 (1) (3). 33, s. 93 (1), sch. 18 Pt. II.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
38 & 39 Vict.— <i>cont.</i>			
c. 33	Metropolis Management Act 1875.	Rep. (1.4.1965)... ..	33, s. 93 (1), sch. 18 Pt. II.
c. 45	Sinking Fund Act 1875	S. 5 rep. in pt.	30, S.L.R.
c. 55	Public Health Act 1875...	Expl. (mod.) (London) (1.4.1965).	33, s. 40, sch. 11 Pt. I, paras. 1, 2.
		Ss. 2 rep. in pt. (1.4.1965), 4 rep. so far as defining "Metropolis" (1.4.1965)	33, s. 93 (1), sch. 18 Pt. II.
		S. 160 excl. (London) (1.4.1965).	33, s. 40, sch. 11 Pt. I para. 3.
		S. 161 mod. (London) (1.4.1965).	33, s. 40, sch. 11 Pt. I para. 4.
		S. 164 expld. (London) (1.4.1965).	33, s. 58 (1).
		S. 171 excl. (1.4.1965) ...	33, s. 40, sch. 11 Pt. I para. 3.
		Ss. 175–178 rep. (1.4.1965)	33, s. 93 (1), sch. 18, Pt. II.
		S. 303 restr. (London) ...	31, s. 87 (7).
		Sch. 5 Pt. III 1st para. restr. (1.4.1965).	33, s. 40, sch. 11 Pt. I para. 5.
c. 58	Public Works Loans (Money) Act 1875.	S. 4 rep. in pt.	30, S.L.R.
c. 89	Public Works Loans Act 1875.	S. 15 rep.	30, S.L.R.
39 & 40 Vict.:			
c. 18	Treasury Solicitor Act 1876.	S. 4 (3) rep. in pt.	30, S.L.R.
c. 59	Appellate Jurisdiction Act 1876.	S. 14 rep. in pt. (<i>prosp.</i>)...	C.A.M. No. 1, s. 87, sch. 5.
c. 70	Sheriff Courts (Scotland) Act 1876.	S. 53 rep.	30, S.L.R.
c. 75	Rivers Pollution Prevention Act, 1876.	S. 7 rep. in pt. (1.4.1965)	33, s. 93 (1), sch. 18 Pt. II.
40 & 41 Vict.:			
c. 2	Treasury Bills Act 1877	S. 5 rep. in pt. S. 6 excl.	30, S.L.R. 1, s. 2 (2). 8, s. 3 (2). 26, s. 2 (2).
c. 14	Evidence Act 1877 ...	S. 1 rep. in pt. (London) (1.4.1965).	33, s. 16 (2), sch. 6 para. 70.
c. 31	Limited Owners Reservoirs and Water Supply Further Facilities Act 1877.	Rep. except in application to N.I.	30, S.L.R.
c. 57	Supreme Court of Judicature Act (Ireland) 1877.	Ss. 20, 73, 85 rep. in pt. ...	30, S.L.R.
c. 59	Colonial Stock Act 1877	S. 8 rep.	25, s. 73 (8) (b), sch. 14 Pt. IV.
41 & 42 Vict.:			
c. 32	Metropolis Management and Building Acts Amndt. Act 1878.	Rep. (1.4.1965)	33, s. 93 (1), sch. 18 Pt. II.
c. 42	Tithe Act 1878	Rep. (<i>prosp.</i>)	14, s. 3 (4), sch.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
1 & 42 Vict.— c. 49 ... <i>cont.</i>	Weights and Measures Act 1878.	Rep. (E.) (S.), exc. ss. 62, in pt. 86, in pt. sch. 6. Ss. 3-8, 10-15 rep. (N.I.) S. 19 am. (N.I.) ... excl. (N.I.) ... S. 20 (2) rep. (<i>prosp.</i>) (N.I.) Ss. 23 rep. in pt. (N.I.), 31, 33-36, 39 rep. (N.I.) S. 63 expld. (N.I.) ... S. 70 rep. in pt. (N.I.) ... S. 76 rep. in pt. (N.I.) ... Schs. 1-3 rep. (N.I.) ...	31, s. 63 (1) (a), sch. 9 Pt. I. 31, s. 65, sch. 10 Pt. V para. 17 (a). 31, s. 65, sch. 10 Pt. IV para. 13. 31, s. 65, sch. 10 Pt. IV para. 16 (3). 31, s. 65, sch. 10 Pt. V para. 17 (d). 31, s. 65, sch. 10 Pt. V para. 17 (a). 31, s. 65, sch. 10 Pt. IV para. 15. 31, s. 65, sch. 10 Pt. V para. 17 (a). 31, s. 65, sch. 10 Pt. V para. 17 (d). 31, s. 65, sch. 10 Pt. V para. 17 (a).
c. 55 ...	British Museum Act 1878	Rep. ...	24, s. 13 (5), sch. 4.
c. 76 ...	Telegraph Act 1878 ...	S. 7 paras. (1)-(8) ext. (E.)	38, s. 130.
c. 77 ...	Highways and Locomotives (Amendment) Act 1878.	S. 2 rep. in pt. (1.4.1965) S. 26 am. (1.4.1965) ... S. 38 rep. so far as defining "The metropolis" (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II. 33, s. 83 (1), sch. 17 para. 1. 33, s. 93 (1), sch. 18 Pt. II.
2 & 43 Vict.:	Racecourses Licensing Act 1879.	Rep. (1.4.1965) ...	33, ss. 83 (1), 93 (1), schs. 17 para. 29 (c), 18 Pt. II.
c. 31 ...	Public Health (Interments) Act 1879.	S. 2 expld. (London) (1.4.1965). S. 3 saved (London) (1.4.1965) ...	33, s. 44 (1). 33, s. 44 (5).
c. 42 ...	Valuation of Lands (Scotland) Amendment Act 1879.	S. 6 Power to am. ... S. 8 Power to rep. ...	12, s. 15 (3). 12, s. 15 (3).
13 & 44 Vict.:	Taxes Management Act 1880.	Rep. ...	25, s. 73 (8) (b), sch. 14 Pt. VI.
c. 20 ...	Inland Revenue Act 1880	Sch. 3 rep. in pt. ...	30, S.L.R.
c. 41 ...	Burial Laws Amendment Act 1880.	Expld. (1.4.1965) ...	33, s. 44 (4).
14 & 45 Vict.:	Veterinary Surgeons Act 1881.	Ss. 15, 17 rep. ...	30, S.L.R.
c. 64 ...	Central Criminal Court (Prisons) Act 1881.	Sch. rep. in pt. ...	30, S.L.R.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
45 & 46 Vict.: c. 15	Commonable Rights Compensation Act 1882.	S. 2 appl. (mod.) ...	4, s. 3 (3).
c. 27	Highway Rate Assessment and Expenditure Act 1882.	S. 6 rep. (London) (1.4.1965).	33, s. 16 (2), sch. 6 para. 70.
c. 49	Militia Act 1882 ...	S. 53 (10) rep.	30, S.L.R.
c. 50	Municipal Corporations Act 1882.	Appl. (London boroughs) S. 152 (2) rep. in pt. ...	33, s. 1 (6). 31, s. 63 (1) (a), sch. 9 Pt. I.
c. 52	Annual Turnpike Acts Continuance Act 1882.	S. 8 rep. in pt. (London) (1.4.1965). am. (London) (1.4.1965).	33, s. 16 (2), sch. 6 para. 70. See c. 33, s. 93 (1), sch. 18 Pt. II [1959 c. 25, sch. 22].
c. 62	Public Works Loans Act 1882.	S. 6 rep.	30, S.L.R.
c. 72	Revenue, Friendly Societies, and National Debt Act 1882.	S. 25 rep. in pt. ...	30, S.L.R.
46 & 47 Vict.: c. 1	Consolidated Fund (Permanent Charges Redemption) Act 1883.	S. 2 (3) rep. in pt. ...	30, S.L.R.
c. 55	Revenue Act 1883 ...	Ss. 12, 13 rep.	25, s. 73 (8) (b), sch. 14 Pt. VI.
47 & 48 Vict.: c. 23	National Debt (Conversion of Stock) Act 1884.	S. 9 rep. in pt.	30, S.L.R.
c. 31	Colonial Prisoners Removal Act 1884.	S. 16 (2) rep. in pt. ...	30, S.L.R.
c. 33	Newcastle Chapter Act, 1884.	Rep.	C.A.M. No. 2, s. 54 (1), sch. 2
c. 62	Revenue Act 1884 ...	S. 7 rep.	25, s. 73 (8) (b), sch. 14 Pt. VI
48 & 49 Vict.: c. 11	Egyptian Loan Act 1885	Rep.	30, S.L.R.
c. 21	Burial Boards (Contested Elections) Act 1885.	Rep. (Greater London) (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.
c. 32	Tithe Rentcharge Redemption Act 1885.	Rep. (<i>prosp.</i>)	14, s. 3 (4), sch.
c. 61	Secretary for Scotland Act 1885.	Sch. Pts. I rep. in pt., II rep., III rep.	30, S.L.R.
c. 72	Housing of the Working Classes Act 1885.	Ss. 9-10 rep. (1.4.1965)	33, s. 93 (1), sch. 18 Pt. II.
49 & 50 Vict.: c. 13	Cape Race Lighthouse Act 1886.	Rep.	30, S.L.R.
50 & 51 Vict.: c. 27	Markets and Fairs (Weighing of Cattle) Act 1887.	S. 4 rep. in pt. (E.) (S.) rep. in pt. (1.4.1965) S. 5 rep. in pt. (1.4.1965)	31, s. 63 (1) (a), sch. 9 Pt. I. 33, s. 93 (1), sch. 18 Pt. II. 33, s. 93 (1), sch. 18 Pt. II.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
& 51 Vict. c. 27— <i>cont.</i>	Markets and Fairs (Weighing of Cattle) Act, 1887— <i>cont.</i>	S. 6 rep. (E.) (S.) (31.7.1965). rep. in pt. (1.4.1965)	31, s. 63 (1) (b), sch. 9 Pt. II. 33, s. 93 (1), sch. 18 Pt. II.
		S. 7 rep. (E.) (S.) (31.7.1965). rep. in pt. (1.4.1965)	31, s. 63 (1) (b), sch. 9 Pt. II. 33, s. 93 (1), sch. 18 Pt. II.
		Ss. 8, 9 rep. in pt. ... (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.
c. 35 ...	Criminal Procedure (Scotland) Act 1887.	S. 26 subst. ... Ss. 63–65 rep. (saving), 67 rep. in pt. (saving).	39, s. 35. 39, s. 52 (2), (3), sch. 6.
c. 46 ...	Truck Amendment Act 1887.	S. 18 (1) rep. ...	30, S.L.R.
c. 52 ...	Secretary for Scotland Act 1887.	S. 3 (a), (b), (c), (f) rep.	30, S.L.R.
c. 58 ...	Coal Mines Regulation Act 1887.	S. 15 rep. (E.) (S.) ...	31, s. 63 (1) (a), sch. 9 Pt. I.
c. 71 ...	Coroners Act 1887 ...	Appl. (mod.) (London) (1.4.1965). S. 5 excl. in pt. ... S. 38 excl. (London) ...	33, s. 78. 33, s. 78 (2) (a). 33, s. 78 (2) (c).
& 52 Vict.: c. 2 ...	National Debt (Conversion) Act 1888.	S. 2 (2) saved ...	25, s. 72 (1).
c. 20 ...	Glebe Lands Act 1888 ...	S. 4 (2) (b) rep. in pt. ... S. 9 (2) rep. ...	25, s. 73 (8) (b), sch. 14 Pt. VI. 11, ss. 16 (7) (8), 28, sch. Pt. II.
c. 25 ...	Railway and Canal Traffic Act 1888.	S. 16 (1) am. (London) (1.4.1965). S. 16 (3) rep. (London) (1.4.1965). S. 54 (3) rep. in pt. (London) (1.4.1965).	See c. 33, s. 93 (1), sch. 18 Pt. II [1959. c. 25. sch. 22]. 33, s. 16 (2), sch. 6 para. 70. 33, s. 16 (2), sch. 6 para. 70.
c. 41 ...	Local Government Act 1888.	S. 3 mod. (London) (1.4.1965). S. 3 (i) rep. in pt. (London), 3 (ii) rep. (London), 3 (v) rep. in pt. (all on 1.4.1965). S. 3 (viii) rep. (London) (1.4.1965). S. 3 (xiii) rep. in pt. ... S. 6 rep. (London) (1.4.1965). S. 19 rep. (London) (1.4.1965). S. 20 (3) expld. (London) (1.4.1965). S. 28 (2) rep. in pt. (London) (1.4.1965). S. 30 ext. ...	33, s. 62 (5). 33, s. 93 (1), sch. 18 Pt. II. 33, s. 16 (2), sch. 6 para. 70. 31, s. 63 (1) (a), sch. 9 Pt. I. 33, s. 16 (2), sch. 6 para. 70. 33, s. 93 (1), sch. 18 Pt. II. 33, s. 83, sch. 17 para. 2. 33, s. 93 (1), sch. 18 Pt. II. 33, s. 93 (1), sch. 18 Pt. II. 2, s. 4 (3), sch. 2 para. 1 (5).

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
51 & 52 Vict. c. 41— <i>cont.</i>	Local Government Act 1888— <i>cont.</i>	Ss. 34 (7) rep. (London), 35 (6) rep. in pt. (London), 36 (2) rep. (London), 38 rep. in pt. (London), 39 (2) rep. (London), 40 (6) (9) rep., 41 (3) (4) (7) rep., 50–53, 55, 56, 69 (1), (3)–(8), (10), (12), 70 rep. (London) (1.4.1965). S. 78 expld. (London) (1.4.1965). S. 85 rep. in pt. (London) (1.4.1965). S. 97 rep. (London) (1.4.1965). S. 100 mod. (definition of “county” (1.4.1965) rep. in pt. (London) (definition of “highway authority”) (1.4.1965) rep. in pt. (London) (definition of “parish”) (1.4.1965). Ss. 125, 126 rep. (London) (1.4.1965), sch. 3 rep. in pt. (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II. 33, s. 62 (5). 33, s. 93 (1), sch. 18 Pt. II. 33, s. 16 (2), sch. 6 para. 70. 33, s. 62 (5). 33, s. 16 (2), sch. 6 para. 70. 33, s. 93 (1), sch. 18 Pt. II. 33, s. 93 (1), sch. 18 Pt. II.
52 & 53 Vict.: c. 10 c. 21 c. 23 c. 26 c. 30	Commissioners for Oaths Act 1889. Weights and Measures Act 1889. Herring Fishery (Scotland) Act 1889. Small Debt Amendment (Scotland) Act 1889. Board of Agriculture Act 1889.	S. 6 am. Rep. (E.) (S.) (31.7.1965) Expld. (meaning of “inspector of weights and measures”). Ss. 1–3 rep. (E.) (S.), 4 rep. in pt. (E.) (S.). Ss. 6–19 rep. Ss. 21 (3) rep. in pt., 25 rep., 27 (1) rep. in pt., 29 (1) rep. in pt., 34 rep., 35 rep. in pt., 39 rep. in pt. (all (E.) (S.)). S. 4 saved S. 5 rep. Am. Mod. Ext. S. 4 rep. in pt., sch. 1 Pt. II rep. in pt.	27, s. 3. 33, s. 93 (1), sch. 18 Pt. II. 31, s. 46 (2). 31, s. 63 (1) (a), sch. 9 Pt. I. 31, ss. 63 (1) (a), 65, schs. 9 Pt. I, 10 Pt. V. 31, s. 63 (1) (a), sch. 9 Pt. I. 31, s. 60 (1) (b) 30, S.L.R. 22, s. 2 (1) (2). 22, s. 3 (1). 22, s. 3 (2). 30, S.L.R.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
52 & 53 Vict.— <i>cont.</i>			
c. 39	Judicial Factors (Scotland) Act 1889.	S. 1 proviso rep., ss. 3, 4, 8, 9 rep.	30, S.L.R.
c. 42	Revenue Act 1889 ...	S. 14 rep.	25, s. 73 (8) (b), sch. 14 Pt. VI.
c. 50	Local Government (Scotland) Act 1889.	S. 11 (5) (i) rep. in pt. ... S. 102 rep.	31, s. 63 (1) (a), sch. 9 Pt. I. 25, s. 73 (8) (b), sch. 14 Pt. VI.
c. 63	Interpretation Act 1889	S. 5 rep. (1.4.1965) ... S. 15 para. (4) ext. ... S. 18 (3) restr. S. 26 expld. (E.) S. 33 saved (E.) S. 38 saved (E.) (S.) saved (S.) S. 38 (1) saved S. 38 (2) appl.	33, s. 93 (1), sch. 18 Pt. II. 33, s. 1 (6). 54, s. 4 (1). 38, s. 120 (3). 38, s. 135 (8). 2, s. 57 (5). 3, s. 6 (3). 51, s. 47 (4). 31, ss. 63 (1), 93 (2). 25, s. 73 (8) (a), sch. 14 Pt. I.
53 & 54 Vict.:			
c. 3	County Councils Association Expenses Act 1890.	Rep.	46, s. 16, sch. 2.
c. 24	Deeds of Arrangement Amendment Act 1890.	Ss. 2 (1) (3) (5) rep. in pt., 4 (1) (c) rep.	30, S.L.R.
c. 27	Colonial Courts of Admiralty Act 1890.	S. 2 (2) appl. (mod.) (Aden). S. 4 excl. S. 7 restr.	S.I. No. 1634. 54, s. 1 (2), sch. 1 para. 5. 54, s. 1 (2), sch. 1 para. 5.
c. 37	Foreign Jurisdiction Act 1890.	Excl. Sch. 2 rep. so far as relating to Sierra Leone Offences Act (c. 31).	55, s. 1 (2), sch. 1 para. 15. 30, S.L.R.
c. 59	Public Health Acts Amendment Act 1890.	S. 2 (2) am. (1.4.1965) ... rep. in pt. (1.4.1965) S. 3 excl. (London) ...	33, s. 40, sch. 11 Pt. I para. 6. 33, s. 93 (1), sch. 18 Pt. II. 33, s. 40, sch. 11 Pt. I para. 6.
54 & 55 Vict.:			
c. 24	Public Accounts and Charges Act 1891.	S. 2 ext. S. 4 (3) rep.	26, s. 3. 30, S.L.R.
c. 28	Branding of Herrings (Northumberland) Act 1891.	Rep.	30, S.L.R.
c. 31	Mail Ships Act 1891 ...	Rep.	30, S.L.R.
c. 38	Stamp Duties Management Act 1891.	Power to appl. (mod.) (E.) (S.). S. 75 expld.	3, s. 4 (4), sch. 2 para. 6 (1). 25, s. 56 (3).
c. 39	Stamp Act 1891... ..	Ss. 76, 77 (3) (4), 78 rep. S. 82 excl. expld. am.	25, ss. 56 (4), 73 (8) (b), sch. 14 Pt. IV. 25, s. 59 (2). 25, s. 62 (6). 25, s. 62 (4).

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
54 & 55 Vict.: c. 39— <i>cont.</i>	Stamp Act 1891— <i>cont.</i>	<p>S. 83 am.</p> <p>Ss. 84, 107, 108, 109 (2) rep.</p> <p>S. 114 am.</p> <p>S. 115 am.</p> <p>S. 115 appl. (mod.) (E.)—Sch. 1: heading “Bearer instrument” added heading “Bond Covenant, or Instrument” etc. am. expld. heading “Bond of any kind whatsoever” etc. am. heading “Conveyance or Transfer whether on sale or otherwise” rep. and superseded heading “Conveyance or Transfer on sale” am. rep. in pt. excl. heading “Conveyance or Transfer by way of security” rep. in pt. heading “Lease or Tack” expld. am. rep. in pt. heading “Marketable Security” expld. am. rep. in pt. heading “Mortgage, Bond, Debenture, Covenant and Warrant of Attorney” am. expld. heading “Share Warrant and Stock Certificate to Bearer” rep.</p>	<p>25, s. 62 (4).</p> <p>25, s. 73 (8) (b), sch. 14 Pt. IV.</p> <p>25, s. 57 (1).</p> <p>25, ss. 57 (1), 58 (1).</p> <p>46, s. 7, sch. 1 para. 3.</p> <p>25, s. 59 (1)-(4).</p> <p>25, s. 57 (1).</p> <p>25, s. 63 para. (a).</p> <p>25, s. 57 (2).</p> <p>25, ss. 62 (1), 73 (8) (b), sch. 14 Pt. IV.</p> <p>25, ss. 55 (1), 62 (2).</p> <p>25, s. 73 (8) (b), sch. 14 Pt. IV.</p> <p>25, s. 65 (1).</p> <p>25, s. 73 (8) (b), sch. 14 Pt. IV.</p> <p>25, ss. 55 (2), 56 (3).</p> <p>25, s. 56 (1) (2).</p> <p>25, ss. 56 (1), 73 (8) (b), sch. 14 Pt. IV.</p> <p>25, s. 66 (5).</p> <p>25, s. 57 (1).</p> <p>25, ss. 59 (1), 73 (8) (b), sch. 14 Pt. IV.</p> <p>25, s. 57 (1).</p> <p>25, ss. 63, 66 (5).</p> <p>25, ss. 59 (1), 73 (8) (b), sch. 14 Pt. IV.</p> <p>25, s. 73 (8) (b), sch. 14 Pt. VII.</p>
c. 48	Purchase of Land (Ireland) Act 1891.	<p>Ss. 1, 2, 4 rep. (<i>prosp.</i>) ...</p> <p>S. 15 (9) rep. in pt. ...</p>	<p>25, s. 73 (8) (b), sch. 14 Pt. VII.</p> <p>30, S.L.R.</p>

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
54 & 55 Vict.— <i>cont.</i>			
c. 70	Markets and Fairs (Weighing of Cattle) Act 1891.	Ss. 1, 2, rep. so far as relating to certain London boroughs (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.
55 & 56 Vict.:			
c. 4	Betting and Loans (Infants) Act 1892.	Ss. 1 rep. (E.) (S.), 3 rep. in pt. (E.) (S.).	2, s. 57 (1), sch. 8.
c. 18	Weights and Measures (Purchase) Act 1892.	Rep.	31, s. 63 (1) (a), sch. 9 Pt. I.
c. 25	Taxes (Regulation of Remuneration) Amendment Act 1892.	Rep.	25, s. 73 (8) (b), sch. 14 Pt. VI.
c. 32	Clergy Discipline Act 1892.	Rep. (<i>prosp.</i>)	C.A.M. No. 1, s. 87, sch. 5.
c. 39	National Debt (Stockholders Relief) Act 1892.	S. 7 rep. (<i>prosp.</i>)	25, s. 73 (8) (b), sch. 14 Pt. VIII.
c. 43	Military Lands Act 1892	Ss. 13 subst. (London), 16 (2) a.m. (London) (1.4.1965).	See c. 33, s. 93 (2), sch. 18 Pt. II [1959, c. 22, sch. 25].
c. 48	Bank Act 1892	S. 4 (6) rep. in pt. (<i>prosp.</i>)	25, s. 73 (8) (b), sch. 14 Pt. VII.
c. 53	Public Libraries Act 1892	Appl. (London) (1.4.1965) S. 13 (2) (e) am. (1.4.1965) S. 20 excl. (London) (1.4.1965). S. 21 (3) rep. (1.4.1965) ...	33, s. 56 (1). 33, s. 56 (1) (a). 33, s. 56 (1) (b).
c. 55	Burgh Police (Scotland) Act 1892.	S. 277 rep. in pt. (31.7.1965). Ss. 417 rep. in pt., 419-426, 430 rep. (all on 31.7.1965). S. 431 rep. in pt. ... rep. in pt. (31.7.1965).	33, s. 93 (1), sch. 18 Pt. II. 31, s. 63 (1) (b), sch. 9 Pt. II. 31, s. 63 (1) (b), sch. 9 Pt. II.
c. 56	Coroners Act 1892	Appl. (mod.) (Greater London).	33, s. 78 (1) (2).
c. 59	Telegraph Act 1892	S. 5 (2) am. (1.4.1965) ... S. 9 rep. in pt. (1.4.1965)	33, s. 83 (1) sch. 17 para. 3. 31, s. 93 (1), sch. 18 Pt. II.
56 & 57 Vict.:			
c. 1	Coinage Act 1893	Rep.	30, S.L.R.
c. 19	Weights and Measures Act 1893.	Rep. (E.) (S.)	31, s. 63 (1), (a), sch. 9 Pt. I.
c. 73	Local Government Act 1894.	S. 21 (3) rep. in pt. (1.4.1965). Ss. 25 (2) (3), 26 (1), (4)-(6) rep. (London) (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II. 33, s. 16 (2), sch. 6 para. 70.
57 & 58 Vict.:			
c. 30	Finance Act 1894	S. 2 (1) (c) saved ... S. 7 (5) proviso rep. ...	25, ss. 53 (2), 73 (5). 25, s. 73 (7) (b), sch. 13 Pt. III.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
57 & 58 Vict.— <i>cont.</i>			
c. 34	British Museum (Purchase of Land) Act 1894.	S. 1 rep.	24, s. 13 (5), sch. 4.
c. 60	Merchant Shipping Act 1894.	S. 2A added Appl. (Zanzibar) Ss. 1, 8–12 excl. S. 125 (5) rep. S. 427 (2) am. Pt. VIII (ss. 502–509) ext. Ss. 735, 736 excld.	24, s. 11. 55, s. 1 (2), sch. 1 para. 8 (1). S.I. Nos. 1494, 1631. 30, S.L.R. 54, s. 4 (4), sch. 2 para. 7. 55, s. 1 (2), sch. 1 para. 8 (2). S.I. No. 1632. 54, s. 1 (2), sch. 1 para. 4.
58 & 59 Vict.:			
c. 16	Finance Act 1895 ...	S. 12 expld. (E.) excl. (E.) S. 14 rep.	38, s. 82 (6). 38, s. 95 (2). 25, s. 73 (8) (b), sch. 14 Pt. IV.
c. 19	Court of Session Consignations (Scotland) Act 1895.	Ss. 7, 8 rep., 14 rep. in pt.	30, S.L.R.
59 & 60 Vict.:			
c. 28	Finance Act 1896 ...	Pt. VI (ss. 31–36) rep. exc. ss. 33, 36. S. 33 rep. exc. para. (a) S. 36 para. (1) rep. S. 39 rep. in pt.	25, s. 73 (8) (b), sch. 14 Pt. V. 25, s. 73 (8) (b), sch. 14 Pt. V. 25, s. 73 (8) (b), sch. 14 Pt. V. 25, s. 73 (8) (b), sch. 14 Pt. V.
c. 48	Light Railways Act 1896	S. 13 mod. (S.)	51, s. 15 (1).
60 & 61 Vict.:			
c. 38	Public Health (Scotland) Act 1897.	S. 29 excl. (<i>prosp.</i>)	41, s. 9 (6).
c. 46	Weights and Measures (Metric System) Act 1897.	Rep. (E.) (S.) S. 2 (2) rep. and superseded (N.I.). S. 1 appl. (E.)	31, s. 63 (1) (a), sch. 9 Pt. I. 31, s. 65, sch. 10 Pt. IV para. 16. 29, s. 3 (4).
c. 51	Public Works Loans Act 1897.		
61 & 62 Vict.:			
c. 10	Finance Act 1898 ...	Pt. IV (s. 12) rep.	25, s. 73 (8) (b), sch. 14 Pt. VI.
c. 16	Canals Protection (London) Act 1898.	S. 7 am. (1.4.1965) S. 8 rep. in pt. (1.4.1965) expld. (1.4.1965)	33, s. 83 (1), sch. 17 para. 4. 33, s. 93 (1), sch. 18 Pt. II. 33, s. 62 (1) (a). 37, s. 16 (2).
c. 36	Criminal Evidence Act 1898.	S. 1 (<i>f</i>) (i) excl. (juvenile courts) (E.).	
c. 37	Local Government (Ireland) Act 1898.	S. 73 rep.	30, S.L.R.
c. 44	Merchant Shipping (Mercantile Marine Fund) Act 1898.	Ss. 3, 5 excl.	S.I. Nos. 1494, 1631.
c. 48	Benefices Act 1898 ...	S. 1 (5) am. (<i>prosp.</i>)	C.A.M. No. 1. s. 86, sch. 4.

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62 & 63 Vict.: c. 9	Finance Act 1899 ...	S. 4 rep. S. 5 (1) rep. S. 5 (2) rep. in pt. S. 6 rep. S. 8 am. mod. S. 8 (3) expld.	25, ss. 59 (1), 73 (8) (b), sch. 14 Pt. IV. 25, ss. 59 (1), 73 (8) (b), sch. 14 Pt. IV. 25, s. 73 (8) (b), sch. 14 Pt. IV. 25, ss. 59 (1), 73 (8) (b), sch. 14 Pt. IV. 25, s. 57 (1). 25, s. 58 (2). 25, s. 66 (5).
c. 14	London Government Act 1899.	Ss. 10, 12 rep. (1.4.1965) S. 34 rep. in pt. (1.4.1965)	33, ss. 63 (2), 93 (1), schs. 15 para. 17, 18 Pt. II. 33, s. 93 (1), sch. 18 Pt. II.
c. 28	Manchester Canonries Act 1899.	Rep.	C.A.M. No. 2, s. 54 (1), sch. 2.
c. 30	Commons Act 1899 ...	S. 7 rep. in pt.	30, S.L.R.
c. 44	Small Dwellings Acquisition Act 1899.	Mod. (London) (1.4.1965) Expld. ("local authority") (1.4.1965). S. 9 (3) (5) rep. in pt. (1.4.1965), 9 (10) rep. (1.4.1965).	33, s. 21 (1)-(4), (12), sch. 8 para. 14. 33, s. 21 (4). 33, s. 93 (1), sch. 18 Pt. II.
c. 46	Improvement of Land Act 1899.	Sch. 1 rep. in pt. ...	30, S.L.R.
63 Vict. (Sess. 2): c. 3	Second Session (Explanation) Act 1899.	Rep.	30, S.L.R.
63 & 64 Vict.: c. 15	Burial Act 1900... ..	S. 7 excl. (London) (1.4.1965) S. 11 expld. (1.4.1965) ...	33, s. 44 (5). 33, s. 44 (4).
c. 19	Land Registry (New Buildings) Act 1900.	S. 3 rep.	30, S.L.R.
c. 24	Veterinary Surgeons Amendment Act 1900.	Rep.	30, S.L.R.
c. 32	Merchant Shipping (Liability of Shipowners and others) Act 1900.	S. 2 ext. (mod.)	S.I. No. 1632.
1 Edw. 7: c. 4	Civil List Act 1901 ...	Rep.	30, S.L.R.
c. 7	Finance Act 1901 ...	S. 10 (1) (2) appl. (mod.)	9, s. 35 (2).
c. 19	Public Libraries Act 1901	S. 8 excl. (London) (1.4.1965). S. 13 am. (1.4.1965) ... rep. in pt. (1.4.1965)	33, s. 56 (1) (b). 33, s. 56 (2). 33, s. 93 (1), sch. 18 Pt. II.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
2 Edw. 7: c. 8 c. 12 c. 36	Cremation Act 1902 ... British Museum Act 1902 Mail Ships Act 1902 ...	S. 4 expld. (London) ... Rep. Rep.	33, s. 44 (1). 24, s. 13 (5), sch. 4. 30, S.L.R.
3 Edw. 7: c. 17 c. 24 c. 37	Metropolitan Streets Act 1903. Education (London) Act 1903. Irish Land Act 1903 ...	Rep. (1.4.1965) Rep. (1.4.1965) Ss. 29 (1) (2) rep. in pt., 36 (4) rep., 36 (7) rep. in pt.	33, ss. 83 (1), 93 (1), schs. 17 para. 29 (d), 18 Pt. II. 33, s. 93 (1), sch. 18 Pt. II. 30, S.L.R.
4 Edw. 7: c. 21 c. 28	Capital Expenditure (Money) Act 1904. Weights and Measures Act 1904.	S. 1 (3) rep. in pt. Rep. (E.) (S.)	30, S.L.R. 31, s. 63 (1) (a), sch. 9 Pt. I
5 Edw. 7: c. 4	Finance Act 1905 ...	Rep.	30, S.L.R.
6 Edw. 7: c. 14 c. 19 c. 25 c. 34 c. 43 c. 44 c. 52	Alkali, &c. Works Regulation Act 1906. Deanery of Manchester Act, 1906. Open Spaces Act 1906 ... Prevention of Corruption Act 1906. Street Betting Act 1906 Burial Act 1906... .. Land Tax Commissioners Act 1906.	S. 24 rep. (1.4.1965) S. 27 am. S. 27 (1) am. (1.4.1965) rep. in pt. (1.4.1965) Sch. 1 am. Rep. Expld. (London)(1.4.1965) Ss. 1 rep. in pt., 15 (2) (a) rep. in pt., 15 (2) (b), (d) rep., 18 rep. in pt. (all on 1.4.1965) Ext. (London) Rep. (E.) (S.) S. 1 rep. (Greater London) (1.4.1965). Rep.	33, s. 93 (1), sch. 18 Pt. II. S.I. No. 493. 33, s. 83 (1), sch. 17 para. 5. 33, s. 93 (1), sch. 18 Pt. II. S.I. No. 493. C.A.M. No. 2 s. 54 (1), sch. 2 33, s. 58 (1). 33, s. 93 (1), sch. 18 Pt. II. 33, s. 2 (4), sch. 2 para. 12 (5). 2, s. 57 (1), sch. 8 33, s. 93 (1), sch. 18 Pt. II. 25, s. 73 (8) (b), sch. 14 Pt. VI
7 Edw. 7: c. 51	Sheriff Courts (Scotland) Act 1907.	S. 3 (i) am. S. 31 restr. S. 42 am. mod. ext. S. 45 am. Sch. 1 r. 23 am. Sch. 1 r. 40 am. Sch. 1 r. 171A added	22, s. 1 (1) (2). 47, s. 13 (1). 22, s. 2 (1) (2). 22, s. 3 (1). 22, s. 3 (2). S.I. No. 1682. S.I. No. 1682. 22, s. 1 (1) (2). S.I. No. 1682.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
7 Edw. 7— <i>cont.</i> c. 53	Public Health Acts Amendment Act 1907.	S. 2 (2) am. (1.4.1965) ... rep. in pt. (1.4.1965) S. 3 excl. (London) (1.4.1965). Ss. 21, 80 excl., 81 excl. in pt. (London) (1.4.1965).	33, s. 40, sch. 11 Pt. I para. 7. 33, s. 93 (1), sch. 18 Pt. II. 33, s. 40, sch. 11 Pt. I para. 7. 33, s. 40, sch. 11 Pt. I para. 8.
8 Edw. 7: c. 17	Cran Measures Act 1908	Saved Expld. S. 10 rep.	31, s. 60 (1) (<i>d</i>). 31, s. 60 (2). 31, s. 63 (1) (<i>a</i>), sch. 9 Pt. I.
c. 36	Small Holdings and Allotments Act 1908.	S. 23 mod. (1.4.1965) ... S. 36 rep. (1.4.1965) ...	33, s. 55 (4). 33, s. 93 (1), sch. 18 Pt. II.
c. 57	Coal Mines Regulation Act 1908.	Ss. 1, 3 susp. (<i>temp.</i>) ...	S.I. No. 321.
c. 62	Local Government (Scotland) Act 1908.	S. 7 (1) rep. S. 10 rep. in pt. (31.7.1965)	30, S.L.R. 31, s. 63 (1) (<i>b</i>), sch. 9 Pt. II.
c. 65	Summary Jurisdiction (Scotland) Act 1908.	S. 43 para. (3) am. (indicatable offences).	39, s. 28.
c. 66	Public Meeting Act 1908	S. 1 (1) rep. in pt. ... am.	52, s. 1 (2). 52, s. 1 (1).
9 Edw. 7: c. 30	Cinematograph Act 1909	Ext. (exc. s. 5) (London) (1.4.1965). S. 2 mod. Pt. II (ss. 8-17) rep. (London), s. 19 (1) rep. in pt. (London) (1.4.1965). Sch. para. (2) (<i>c</i>) mod. (S.)	33, s. 52 (2). 37, s. 28. 33, s. 16 (2), sch. 6 para. 70. 51, s. 15 (1).
c. 39	Oaths Act 1909		
c. 47	Development and Road Improvement Funds Act 1909.		
10 Edw. 7 & 1 Geo. 5: c. 8	Finance (1909-10) Act 1910.	S. 59 (2) excl. S. 59 (3) expld. Ss. 60 (1), 61 (1) rep. ... S. 74 (5) expld. Ss. 75, 76 rep. Ss. 90, 91 rep. Ss. 3 rep., 8 rep. in pt. ...	25, ss. 53 (1), 73 (5). 25, s. 53 (2). 25, s. 73 (7) (<i>b</i>), sch. 13 Pt. III. 25, s. 64. 25, s. 73 (8) (<i>b</i>), sch. 14 Pt. IV. 30, S.L.R. 30, S.L.R.
c. 28	Civil List Act 1910 ...		
1 & 2 Geo. 5: c. 2	Revenue Act 1911 ...	S. 16 rep.	30, S.L.R.
c. 6	Perjury Act 1911 ...	S. 1 (4) appl.	27, s. 4 (2).
c. 48	Finance Act 1911 ...	S. 13 rep.	25, s. 73 (8) (<i>b</i>), sch. 14 Pt. IV.
c. 49	Small Landholders (Scotland) Act 1911.	S. 3 (9) rep. in pt. ...	30, S.L.R.
3 & 4 Geo. 5: c. 20	Bankruptcy (Scotland) Act 1913.	S. 118 ext.	9, s. 30 (2).

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
3 & 4 Geo. 5— <i>cont.</i>			
c. 32	Ancient Monuments Consolidation and Amendment Act 1913.	Ss. 18 rep. (1.4.1965), 21 (2) rep. in pt. (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.
4 & 5 Geo. 5:			
c. 31	Housing Act 1914 ...	S. 2 (1) (3) rep. in pt. ...	30, S.L.R.
c. 59	Bankruptcy Act 1914 ...	S. 33 ext. S. 90 (4) rep. in pt. ... S. 123 saved	9, s. 30 (1). 30, S.L.R. 39, s. 39 (4).
5 & 6 Geo. 5:			
c. 74	Police Magistrates(Super- annuation) Act 1915.	S. 1 (4) rep. in pt. ...	30, S.L.R.
c. 89	Finance (No. 2) Act 1915	S. 50 rep.	30, S.L.R.
6 & 7 Geo. 5:			
c. 24	Finance Act 1916 ...	S. 65 rep. (<i>prosp.</i>) ...	25, s. 73 (8) (b), sch.14 Pt. VIII
c. 69	Public Authorities and Bodies (Loans) Act 1916.	Rep. (1.4.1965)	33, s. 93 (1), sch. 18 Pt. II.
7 & 8 Geo. 5:			
c. 64	Representation of the People Act 1918.	S. 9 (5), so far as saved by s. 80 (7) of the Repre- sentation of the People Act 1948 (c. 65), rep.	48, s. 7 (2), sch. 2
8 & 9 Geo. 5:			
c. 42	Loans (Incumbents of Benefices) Amendment Act 1918.	Excl. (cathedral corpora- tions). S. 7 rep.	C.A.M. No. 2, s. 53, sch. 1. C.A.M. No. 2, s. 54 (1), sch. 2
c. 54	Tithe Act 1918	Rep. exc. ss. 4 (2) and 11 (1) (<i>prosp.</i>).	14, s. 3 (4), sch.
9 & 10 Geo. 5:			
c. 37	War Loan Act 1919 ...	Ss. 1 (3) (5), 3 (3) rep. in pt.	30, S.L.R.
c. 57	Acquisition of Land (As- sessment of Compensa- tion) Act 1919.	Rep. (S.)	51, s. 47 (3), sch. 4.
c. 59	Land Settlement (Facili- ties) Act 1919.	S. 24 rep. (1.4.1965) ...	33, s. 93 (1), sch. 18 Pt. II.
c. 75	Ferries (Acquisition by Local Authorities) Act 1919.	S. 1 (6) ext. (London) ...	33, s. 2 (4), sch. 2 para. 31.
c. 92	Aliens Restriction (Amendment) Act 1919.	S. 1 cont. until 31.12.1964	58, s. 1 (1).
c. 93	Public Libraries Act 1919	S. 3 excl. (London) (1.4.1965). S. 6 expld. (London) (1.4.1965).	33, s. 56 (1) (b). 33, s. 56 (1) (c).
c. 100	Electricity (Supply) Act 1919.	S. 15 rep. (E.) (<i>prosp.</i>) ...	38, s. 136 (2), sch. 14, Pt. II.
10 & 11 Geo. 5:			
c. 18	Finance Act 1920 ...	S. 38 rep. S. 63 rep.	25, s. 73 (8) (b), sch. 14 Pt. IV. 25, s. 73 (8) (b), sch. 14 Pt. VI.
c. 54	Seeds Act 1920	S. 1 am. S. 1 (3) rep. in pt. ... S. 7 ext.	11, s. 24. 11, s. 24 (4) (5). 11, s. 24 (3) (5).
c. 55	Emergency Powers Act 1920.	S. 2 (4) rep. in pt. ...	30, S.L.R.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
& 11 Geo. 5 — <i>cont.</i> c. 67	Government of Ireland Act 1920.	Ext. S. 4 mod. ... S. 4 (1) paras. (1), (3), (4) expld. S. 4 (1) para. (12) rep. in pt. (saving). S. 6 mod. ... S. 22 (1) ext. S. 26 (2) (3) appl. S. 26 (5) rep. in pt. (<i>prosp.</i>) Ss. 32 (6), 34 (1), 54 (1), 57 (1), rep. in pt. S. 70 (2) excl.	18, s. 5 (3). 31, s. 65, sch. 10 Pt. II para. 4. 47, s. 14 (2) (3). 41, s. 87. 31, ss. 63 (1) (a), 65, schs. 9 Pt. I, 10 Pt. II paras. 3, 5. 30, s. 1. 31, s. 65, sch. 10 Pt. II. 44, s. 7 (5). 9, s. 37. 25, s. 72 (4). 25, s. 73 (8) (b), sch. 14 Pt. VII. 30, S.L.R. 31, s. 65, sch. 10 Pt. II para. 6. 33, s. 16 (2), sch. 6 para. 70.
c. 72	Roads Act 1920... ..	Sch. 1 rep. in pt. (London) (1.4.1965).	Sch. 1 rep. in pt. (London) (1.4.1965).
& 12 Geo. 5: c. 32	Finance Act 1921	S. 45 (1) rep. in pt. S. 64 rep. Sch. 3 saved	30, S.L.R. 25, s. 73 (8) (b), sch. 14 Pt. VI. 25, s. 72 (1).
& 13 Geo. 5: c. 24	Government of Northern Ireland (Loan Guarantee) Act 1922.	S. 1 (3) rep. in pt.	30, S.L.R.
c. 35	Celluloid and Cinematograph Film Act 1922.	S. 9 expld. (London) S. 11 (2) rep. in pt. (1.4.1965).	33, s. 62 (1) (b). 33, s. 93 (1), sch. 18 Pt. II.
c. 50	Expiring Laws Act 1922	Sch. 1, entries numbered (8), (13), (15), (16), (17), (18), (20) rep.	30, S.L.R.
c. 51	Allotments Act 1922	S. 20 am. (1.4.1965) rep. in pt. (1.4.1965) Ss. 22 (1) in pt., 22 (5) rep. (1.4.1965).	33, s. 55 (4). 33, s. 93 (1), sch. 18 Pt. II. 33, s. 93 (1), sch. 18 Pt. II.
Geo. 5 (Sess. 2): c. 4	Trade Facilities and Loans Guarantee Act 1922 (Session 2).	Ss. 2 rep., 5 (1) (2) rep. in pt., 6 (2) rep.	30, S.L.R.
& 14 Geo. 5: c. 4	Fees (Increase) Act 1923	S. 6 rep. (E.) (S.)	31, s. 63 (1) (a), sch. 9 Pt. I.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
13 & 14 Geo. 5— c. 16 <i>cont.</i>	Salmon and Freshwater Fisheries Act 1923.	Saved Ext. Pt. IV restr. (<i>prosp.</i>) S. 38 mod. (<i>prosp.</i>) S. 38 (1) (c) proviso (ii) rep. (<i>prosp.</i>). S. 41 excl. (<i>prosp.</i>). Ss. 43, 45-53, 54 (1) (a), (2), 56-58, 60 excl. (<i>prosp.</i>). S. 64 (1) expld. (<i>prosp.</i>) Ss. 65 (2), 66 excl. (<i>prosp.</i>) S. 67 (4) excl. in pt. (<i>prosp.</i>) Ss. 68 excl. (<i>prosp.</i>) S. 81 excl. in pt. (<i>prosp.</i>) Ss. 88 excl. (<i>prosp.</i>) Sch. 1 Pt. II para. (4) rep. in pt. Sch. 3 excl. (<i>prosp.</i>)	38, s. 71 (6). 38, s. 126 (1). 38, s. 5 (2), sch. 3 para. 8. 38, s. 5 (2), sch. 3 para. 8. 38, s. 136 (2), sch. 14 Pt. I. 38, s. 5 (2), sch. 3 para. 8. 38, s. 5 (2), sch. 3 para. 9. 38, s. 5 (2), sch. 3 para. 10. 38, s. 5 (2), sch. 3 para. 9. 38, s. 5 (2), sch. 3 para. 11. 38, s. 5 (2), sch. 3 para. 9. 38, s. 5 (2), sch. 3 para. 9. 25, s. 73 (7) (c), sch. 13 Pt. IV. 38, s. 5 (2), sch. 3 para. 9.
c. 17	Explosives Act 1923 ...	Expld. ("local authority") (1.4.1965).	33, s. 50 (1) (3).
c. 21	Forestry (Transfer of Woods) Act 1923.	Ss. 1 (4) rep., 3 rep. in pt.	30, S.L.R.
14 & 15 Geo. 5: c. 8 c. 23	Trade Facilities Act 1924 British Museum Act 1924	Ss. 2 rep., 5 rep. in pt. ... Rep.	30, S.L.R. 24, s. 13 (5), sch. 4.
c. 27	Conveyancing (Scotland) Act 1924.	S. 18 saved	18, s. 2 (4).
C.A.M. No. 4	Bishopric of Blackburn Measure 1923.	Ss. 5, 8 rep.	C.A.M. No. 2 s. 54 (1), sch. 2
C.A.M. No. 5	Diocese of Southwell (Division) Measure 1923.	Ss. 5, 8 rep.	C.A.M. No. 2 s. 54 (1), sch. 2
C.A.M. No. 6	Diocese of Winchester (Division) Measure 1924.	Ss. 7, 10 rep.	C.A.M. No. 2 s. 54 (1), sch. 2
15 & 16 Geo. 5: c. 18	Settled Land Act 1925 ...	S. 56 (3) am. (London) (1.4.1965). S. 56 (3) (c) rep. (London) (1.4.1965). S. 73 (1) (ii) rep. in pt. ... S. 115 (3) rep. in pt. ...	See c. 33, s. 93(1), sch. 18 Pt. II [1959, c. 25 sch. 22]. 33, s. 16 (2), sch. 6 para. 70. 25, s. 73 (8) (b), sch. 14 Pt. VI. 11, s. 28, sch. Pt. II.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
& 16 Geo. 5 —cont.			
c. 19 ...	Trustee Act 1925 ...	S. 6 rep. in pt. ...	30 S.L.R.
c. 20 ...	Law of Property Act 1925	S. 1 (2) (d) rep. in pt. ...	25, s. 73 (8) (b), sch. 14 Pt. VI.
		S. 191 (12) am. (<i>prosp.</i>) ...	14, s. 3 (5).
		S. 194 appl. (mod.) ...	4, s. 6 (4).
c. 21 ...	Land Registration Act 1925.	Power to apply (mod.) ...	38, s. 66 (6).
		S. 59 (2) appl. ...	38, s. 81 (5) (a).
		S. 70 (1) (c) rep. in pt. ...	25, s. 73 (8) (b), sch. 14 Pt. VI.
		S. 120 excl. (London) ...	33, s. 80 (1).
		S. 122 excl. (London) ...	33, s. 80 (2).
c. 22 ...	Land Charges Act 1925	Ss. 123, 124 ext. (London)	33, s. 80 (6).
		Power to apply (mod.) ...	38, s. 66 (6).
		S. 10, Class D, para. (iii) ext.	38, s. 81 (4) (a).
		S. 13 ext. and saved ...	38, s. 81 (4) (b).
c. 24 ...	Universities and College Estates Act 1925.	S. 15 ext. (London) ...	33, ss. 28 (1), 79.
		S. 16 (3) (b) am. (London) (1.4.1965).	See c. 33, s. 93(1), sch. 18 Pt. II [1959 c. 25, sch. 22].
		S. 16 (3) (c) rep. (London) (1.4.1965).	33, s. 16 (2), sch. 6 para. 70.
		S. 26 (1) (ii) rep. in pt. ...	25, s. 73 (8) (b), sch. 14 Pt. VI.
		S. 39 rep. ...	11, ss. 16 (7) (8), 28, sch. Pt. II.
c. 45 ...	Guardianship of Infants Act 1925.	S. 4 (2A) ext. (<i>prosp.</i>) ...	37, s. 50.
c. 49 ...	Supreme Court of Judicature (Consolidation) Act 1925.	S. 15 (a) rep. in pt. ...	30, S.L.R.
		S. 29 rep. in pt. (London) (1.4.1965).	33, s. 16 (2), sch. 6 para. 70.
c. 59 ...	Teachers (Superannuation) Act 1925.	Ss. 7 (1), 8 (1) am., 9, 12, 15 mod., sch. 1 para. 10 am.	S.I. No. 2030.
c. 68 ...	Roads Improvement Act 1925.	Rep. (London) (1.4.1965)	33, s. 16 (2), sch. 6 para. 70.
c. 71 ...	Public Health Act 1925	S. 2 (1) rep. in pt. (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.
		Ss. 2 (2), 3 excl. (1.4.1965)	33, s. 40, sch. 11 Pt. I para. 9.
		S. 76 excl. (London) (1.4.1965).	33, s. 40, sch. 11 Pt. I para. 10.
c. 87 ...	Tithe Act 1925 ...	S. 5 rep. (<i>prosp.</i>) ...	14, s. 3 (4), sch.
		S. 8 rep. (<i>prosp.</i>) ...	14, s. 3 (4), sch.
		S. 8 (2) rep. ...	14, s. 73 (8) (b), sch. 14 Pt. VI.
		S. 10 (2) rep. (<i>prosp.</i>) ...	14, s. 3 (4), sch.
		S. 10 (4) rep. in pt. ...	25, s. 73 (8) (b), sch. 14 Pt. VI.
		Ss. 18, 19, 21, 22 rep. (<i>prosp.</i>).	14, s. 3 (4), sch.
c. 90 ...	Rating and Valuation Act 1925.	S. 1 (1) subst. (1.4.1965)	33, s. 63 (2), sch. 15 para. 1.
		S. 2 expld. (London) (1.4.1965).	33, s. 63 (2), sch. 15 para. 14.
		excl. in pt. (London) (1.4.1965).	33, s. 63 (2), sch. 15 para. 2 (1).
		S. 2 (6) am. (1.4.1965) ...	33, s. 63 (2), sch. 15 para. 2 (2).

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15 & 16 Geo. 5: c. 90— <i>cont.</i>	Rating and Valuation Act 1925— <i>cont.</i>	S. 4 (1) excl. (London) (1.4.1965). S. 4 (4) proviso added (1.4.1965). Ss. 6-8 excl. (London) (1.4.1965). S. 9 (1) excl. (London) (1.4.1965). S. 9 (2)-(5) mod. (London) (1.4.1965). S. 9 (2) (b) mod. (London) (1.4.1965) ... S. 9 (3) mod. (London) (1.4.1965). S. 10 (1) (2) excl. (London) (1.4.1965). S. 11 mod. (London) (1.4.1965). S. 12 mod. (London) (1.4.1965). S. 21 (1) mod. (1.4.1965) S. 54 (1) mod. (London) (1.4.1965). S. 64 mod. (London) (1.4.1965). S. 64 (5) rep. (1.4.1965) ... S. 68 (1) am. (1.4.1965), 68 (5) added (1.4.1965). S. 70 (1) rep. in pt. (1.4.1965).	33, s. 63 (2), sch. 15 para. 3 (1). 33, s. 63 (2), sch. 15 para. 3 (2). 33, s. 63 (2), sch. 15 para. 4. 33, s. 63 (2), sch. 15 para. 5 (1). 33, s. 63 (2), sch. 15 para. 5 (2). 33, s. 63 (2), sch. 15 para. 5 (3). 33, s. 63 (2), sch. 15 para. 5 (4). 33, s. 63 (2), sch. 15 para. 6. 33, s. 63 (2), sch. 15 para. 7. 33, s. 63 (2), sch. 15 para. 8. 33, s. 63 (2), sch. 15 para. 9. 33, s. 63 (2), sch. 15 para. 10. 33, s. 63 (2), sch. 15 para. 11. 33, s. 93 (1), sch. 18 Pt. II. 33, s. 63 (2), sch. 15 para. 12. 33, ss. 63 (1), 93 (1), sch. 18 Pt. II.
C.A.M. No. 2 ...	Bishopric of Leicester Measure 1925.	Ss. 6, 9 rep. ...	C.A.M. No. 2, s. 54 (1), sch. 2.
16 & 17 Geo. 5: c. 8 ...	Weights and Measures (Amendment) Act 1926.	Rep. ...	31, s. 63 (1) (a), sch. 9 Pt. I.
c. 15 ...	Criminal Appeal (Scotland) Act 1926.	S. 11 (2) rep. in pt. (saving)	39, s. 52 (1)-(3), schs. 5, 6.
c. 21 ...	Markets and Fairs (Weighing of Cattle) Act 1926.	Ss. 2 rep. in pt., 3 rep., sch. rep. (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.
c. 31 ...	Home Counties (Music and Dancing) Licensing Act 1926.	Sch. 1 rep. in pt. (1.4.1965)	33, s. 93 (1), sch. 18 Pt. II.
c. 40 ...	Indian and Colonial Divorce Jurisdiction Act 1926	Restr. ... S. 1 (4) am. and rep. in pt. S. 2 (2) rep. in pt. ...	54, s. 7 (1), (4). 54, s. 7 (3). S.I. No. 2085.
c. 45 ...	Fertilisers and Feeding Stuffs Act 1926.	S. 27 (b) rep. (1.4.1965) ...	33, s. 93 (1), sch. 18 Pt. II.
c. 51 ...	Electricity (Supply) Act 1926.	Sch. 6 rep. (E.) (<i>prosp.</i>) so far as relating to s.15 of the Electricity (Supply) Act 1919 (c. 100).	38, s. 136 (2), sch. 1A, Pt. II.
c. 59 ...	Coroners (Amendment) Act 1926.	Appl. (mod.) (London) S. 2 appl. (mod.) (London). S. 12 ext. (London) ...	33, s. 78 (1) (2). 33, s. 78 (4). 33, s. 78 (4).



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16 & 17 Geo. 5— <i>cont.</i>			
c. 62 ...	East Africa Loans Act 1926.	S. 1 (3) rep. in pt. ...	30, S.L.R.
c. 63 ...	Sale of Food (Weights and Measures) Act 1926.	Rep. (31.7.1965) ... Expld. (meaning of "inspector of weights and measures"). S. 6 (2) (3) subst. by s. 6 (2). S. 7 (1) excl. ... S. 10 (4) rep. ... S. 11 (2A) added ... S. 13 (3) rep. ...	31, s. 63 (1) (b), sch. 9 Pt. II. 31, s. 46 (2). 31, s. 61 (2). 31, s. 61 (3) (4). 31, s. 63 (1) (a), sch. 9 Pt. I. 31, s. 61 (5). 31, s. 63 (1) (a), sch. 9 Pt. I.
C.A.M. No. 3 ...	Parish of Manchester Division Act, 1850 (Amendment) Measure 1926.	Rep. (saving) ...	C.A.M. No. 2, s. 54 (1) (4), sch. 2.
C.A.M. No. 4 ...	Ecclesiastical Commissioners Measure 1926.	S. 2 rep. ... S. 5 rep. (<i>prosp.</i>) ...	C.A.M. No. 2, s. 54 (1), sch. 2. C.A.M. No. 1, s. 87, sch. 5.
17 & 18 Geo. 5:			
c. 10 ...	Finance Act 1927 ...	S. 54 rep. ...	25, s. 73 (8) (b), sch. 14 Pt. VI.
c. 23 ...	Crown Lands Act 1927	S. 11 (1B) rep. (London) (1.4.1965).	33, s. 16 (2), sch. 6 para. 70.
c. 36 ...	Landlord and Tenant Act 1927.	S. 16 rep. in pt. ...	25, s. 73 (7) (c), sch. 13 Pt. IV.
18 & 19 Geo. 5:			
c. 8 ...	Rating and Valuation Act 1928.	Ss. 1 rep. (1.4.1965), 5 (2) rep. in pt. (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.
c. 17 ...	Finance Act 1928 ...	S. 6 mod. ... S. 33 rep. ...	25, s. 3. 25, s. 73 (8) (b), sch. 14 Pt. VI.
c. 19 ...	Agricultural Produce (Grading and Marking) Act 1928.	S. 4 expld. (<i>prosp.</i>) ... S. 4 (2) (b) subst. (<i>prosp.</i>) ... S. 6 (3) rep. ...	11, s. 23 (1) (3). 11, s. 23 (2) (3). 11, s. 28, sch. Pt. II.
c. 32 ...	Petroleum (Consolidation) Act 1928.	S. 2 (1) (a) (b) subst. by s. 2 (1) (a). S. 20 (1) rep. in pt. ...	33, s. 50 (2). 31, ss. 6 (3), 63 (1) (a), sch. 9 Pt. I.
c. 34 ...	Reorganisation of Offices (Scotland) Act 1928.	S. 6 rep. ...	48, s. 7 (2), sch. 2.
c. 36 ...	Naval Prize Act 1928 ...	S. 1 (1) rep. in pt. ...	30, S.L.R.
c. 41 ...	Racecourse Betting Act 1928.	Rep. ...	2, s. 57 (1), sch. 8.
c. 44 ...	Rating and Valuation (Apportionment) Act 1928.	S. 7, sch. 2 rep. (1.4.1965)	33, s. 93 (1), sch. 18 Pt. II.
19 & 20 Geo. 5:			
c. 7 ...	Imperial Telegraphs Act 1929.	Rep. ...	30, S.L.R.
c. 8 ...	Appellate Jurisdiction Act 1929.	Ss. 1 (4), (6) rep. in pt. ...	30, S.L.R.

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19 & 20 Geo. 5— <i>cont.</i>			
c. 17	Local Government Act 1929.	Ss. 29, 38 rep. (London) (1.4.1965).	33, s. 16 (2), sch. 6 para. 70.
		Ss. 79 (1) rep. in pt., 79 (2) rep., 81 rep.	25, s. 73 (7) (c), sch. 13 Pt. IV.
		S. 84 rep. in pt. (1.4.1965)	33, s. 93 (1), sch. 18 Pt. II.
		S. 115 (7) am. (1.4.1965)	33, s. 83, sch. 17 para. 6.
		S. 117 (8) am. (1.4.1965)	33, s. 63 (2), sch. 15 para. 18.
		S. 128 (3) rep. (1.4.1965)	33, s. 93 (1), sch. 18 Pt. II.
		S. 134 rep. in pt. ...	25, s. 73 (7) (c), sch. 13 Pt. IV.
	Local Government (Scotland) Act 1929.	Sch. 10 para. 24 rep. (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.
c. 25		S. 45 rep. (16.5.1966) ...	12, ss. 10 (1), 27, sch. 3 Pt. II.
		S. 47 (4) rep. (16.5.1966)	12, ss. 10 (4), 27, sch. 3 Pt. II.
c. 29	Government Annuities Act 1929.	Ss. 8 (1), 41 (1), 67 (6), rep. in pt.	30, S.L.R.
c. 33	Bridges Act 1929 ...	Rep. (London) (1.4.1965)	33, s. 16 (2), sch. 6 para. 70.
20 & 21 Geo. 5:			
c. 28	Finance Act 1930 ...	S. 48 rep. in pt.	30, S.L.R.
c. 33	Illegitimate Children (Scotland) Act 1930.	S. 1 mod.	22, s. 3(1).
c. 43	Road Traffic Act 1930 ...	S. 46 ext. (London) (1.4.1965).	22, s. 3(2).
		S. 47 ext. (London) (1.4.1965).	See c. 33, s. 93 (1), sch. 18 Pt. II [1959, c. 25, s. 228 (9)].
		Ss. 51-56, 57 (1) (2), 58 rep. (London) (1.4.1965).	See c. 33, s. 93 (1), sch. 18 Pt. II [1959 c. 25, s. 63 (1)].
		S. 121 (1A) rep. in pt. (1.4.1965).	33, s. 16 (2), sch. 6 para. 70.
		S. 121 (2) rep. in pt. (London) (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.
c. 44	Land Drainage Act 1930	Expld.(London)(1.4.1965)	33, s. 16 (2), sch. 6 para. 70.
		Ss. 1 (1) (2), (4) (5), 2 (1)-(3), 3 excl. (<i>prosp.</i>) ...	33, s. 62 (2), sch. 14.
		S. 4 am. (<i>prosp.</i>) ...	38, s. 5 (2), sch. 3 para. 5.
		S. 4 (2) expld. (London) (1.4.1965).	38, s. 5 (2), sch. 3 para. 6 (1).
		S. 5 excl. (<i>prosp.</i>) ...	33, s. 62 (2), sch. 14 paras. 4, 6.
		S. 6 (4) expld. (London) (1.4.1965).	38, s. 5 (2), sch. 3 para. 5.
		S. 10 excl. (London) (1.4.1965).	33, s. 62 (2), sch. 14 paras. 5, 6.
		Ss. 12, 15 excl. (<i>prosp.</i>)...	38, s. 5 (2), sch. 3 para. 5.

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20 & 21 Geo. 5: c. 44— <i>cont.</i>	Land Drainage Act, 1930 — <i>cont.</i>	Ss. 17–19 excl. (London) (1.4.1965). Ss. 20, 22 in pt., excl. (<i>prosp.</i>). S. 23 am. (<i>prosp.</i>) ... S. 29 (2) appl. ... am. ... S. 29 (4) am. ... rep. in pt, ... S. 32 (2) rep. in pt. (1.4.1965). Pt. V (ss. 33–49) expld. (London) (1.4.1965). Ss. 43, 45, 46, 47 (2)–(7), 48, 49 (1)–(3), (5) excl. (<i>prosp.</i>). S. 50 (1) (a), (4) excl. (London) (1.4.1965). S. 51 expld. (London) (1.4.1965). S. 53 (2) (a) (b) rep. (1.4.1965). S. 54 expld. (London) (1.4.1965). S. 61 ext. ... S. 69 rep. (1.4.1965) ... S. 72 excl. (<i>prosp.</i>) ... S. 73 rep. in pt. (1.4.1965) excl. (<i>prosp.</i>) ... S. 75 excl. (<i>prosp.</i>) ... S. 76 am. (<i>prosp.</i>) ... saved ... S. 78 rep. (1.4.1965) ... Ss. 79, 80 (2) (6) (7), sch. 1 excl. (<i>prosp.</i>). Sch. 2 Pt. I para. 1 expld. (London) (1.4.1965).	33, s. 62 (2), sch. 14 paras. 5, 6. 38, s. 5 (2), sch. 3 para. 5. 38, s. 5 (2), sch. 3 para. 6 (2). 10, s. 1 (2). 25, s. 73 (7) (a), sch. 12 para. 21 (2) (4). 25, s. 73 (7) (a), sch. 12 para. 21 (3) (4). 25, s. 73 (7) (c), sch. 13 Pt. IV. 33, s. 93 (1), sch. 18 Pt. II. 33, s. 62 (2), sch. 14 paras. 2, 6. 38, s. 5 (2), sch. 3 para. 5. 33, s. 62 (2), sch. 14 paras. 5, 6. 33, s. 93 (1), sch. 18 Pt. II. 33, s. 62 (2), sch. 14 paras. 4, 6. 38, ss. 67 (4), 69 (4). 33, s. 93 (1), sch. 18 Pt. II. 38, s. 5 (2), sch. 3 para. 5. 33, s. 93 (1), sch. 18 Pt. II. 38, s. 5 (2), sch. 3 para. 5. 38, s. 5 (2), sch. 3 para. 5. 38, s. 5 (2), sch. 3 para. 6 (3). 38, s. 71 (6). 33, ss. 62 (2), 93 (1), schs. 14 paras. 5, 6, 18 Pt. II. 38, s. 5 (2), sch. 3 para. 5. 33, s. 62 (2), sch. 14 paras. 4, 6.
c. 46 ...	British Museum Act 1930	Rep. ...	24, s. 13 (5), sch. 4.
c. 48 ...	London Naval Treaty Act 1930.	Rep. ...	30, S.L.R.

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20 & 21 Geo. 5 — <i>cont.</i> c. 51	Reservoirs (Safety Provisions) Act 1930.	Ss. 4 (2) rep. in pt. (1.4.1965), 9 (b) rep. (1.4.1965). S. 10 (1) am. (E.) (<i>prosp.</i>)	33, s. 93 (1), sch. 18 Pt. II. 38, s. 136 (1), sch. 13 para. 2.
C.A.M. No. 2 ...	Archdeaconry of Surrey Measure, 1930.	Rep.	C.A.M. No. 2, S. 54 (1), sch. 2.
21 & 22 Geo. 5: c. 11	Acquisition of Land (Assessment of Compensation) (Scotland) Act 1931.	Rep.	51, s. 47 (3), sch. 4.
c. 17	Local Authorities (Publicity) Act 1931.	S. 1 ext. (London) ...	33, s. 2 (4), sch. 2 para. 31.
c. 28	Finance Act 1931 ...	S. 1 (2) rep. in pt. (1.4.1965). S. 1 (3) rep. in pt. (1.4.1965). S. 37 rep.	33, s. 93 (1), sch. 18 Pt. II. 33, s. 93 (1), sch. 18 Pt. II. 25, s. 73 (8) (b) sch. 14 Pt. VI.
c. 41	Agricultural Land (Utilisation) Act 1931.	S. 12 ext. (London) (1.4.1965).	33, s. 55 (2).
c. 43	Improvement of Live Stock (Licensing of Bulls) Act 1931.	S. 22 (1) (3) rep. in pt... S. 2 (1) rep. in pt. ...	30, S.L.R. 11, ss. 16 (4), 28, sch. Pt. II.
c. 49	Finance (No. 2) Act 1931	S. 2 (2) am. S. 5 (1) rep. in pt. ...	11, s. 17. 11, ss. 16 (4), 28, sch. Pt. II.
C.A.M. No. 7 ...	Cathedrals Measure, 1931	s. 17 (1) rep. in pt. ... Rep., exc. ss. 23, 29, 30...	30, S.L.R. C.A.M. No. 2, s. 54 (1), sch. 2.
22 & 23 Geo. 5: c. 25	Finance Act 1932 ...	S. 24 (4) rep. in pt. ...	30, S.L.R.
c. 45	Rights of Way Act 1932	Rep. (London) (1.4.1965)	33, s. 16 (2), sch. 6 para. 70.
c. 51	Sunday Entertainments Act 1932.	S. 1 ext. (mod.) (London) (1.4.1965).	33, s. 52 (2).
23 & 24 Geo. 5: c. 4	Evidence (Foreign, Dominion and Colonial Documents) Act 1933.	S. 1 (1) rep. and superseded S. 1 (2) am. S. 1 (2) appl. S. 1 (4) appl. S. 1 (5) rep. S. 4 appl. (Kenya) ...	27, s. 5. 27, s. 5 (2). 27, s. 5 (1). 27, s. 5 (2). 27, s. 5 (2). 54, s. 4 (4), sch. 2 para. 5.
c. 6	Visiting Forces (British Commonwealth) Act 1933.	(Zanzibar)	55, s. 1 (2), sch. 1 para. 6.
c. 12	Children and Young Persons Act 1933.	S. 1 (1) (a) rep. in pt. ... S. 1 (1) (b) am. rep. in pt. Ss. 3 (1), 4 (1) rep. in pt. S. 7 (1) (2) am.	37 s. 64 (1) (3), schs. 3 para. 1. 5. 37, s. 31. 37 s. 64 (1) (3), schs. 3 para. 1, 5. 37, s. 64 (1) (3), schs. 3 para. 2, 5. 37, s. 32.

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& 24 Geo. 5: c. 12— <i>cont.</i>	Children and Young Persons Act 1933— <i>cont.</i>	<p>S. 14 (3) rep. 37, ss. 21, 64 (3), sch. 5.</p> <p>Pt. II (ss. 18–30) ext. (prosp.) 37, s. 44 (1).</p> <p>S. 18 (1) (c) subst. (prosp.) 37, s. 34.</p> <p>S. 18 (3) subst. (prosp.) 37, s. 64 (1), sch. 3 para. 4.</p> <p>S. 20 mod. (prosp.) ... 37, s. 35 (2).</p> <p>S. 20 (1) am. (prosp.) ... 37, s. 35 (1).</p> <p>S. 20 (3) added (prosp.)... 37, s. 35 (3).</p> <p>S. 21 (1) (3) am. (prosp.) 37, s. 36.</p> <p>S. 22 rep. (prosp.) ... 37, s. 64 (3), sch. 5.</p> <p>S. 23 am. (prosp.) ... 37, s. 64 (1), sch. 3 para. 5.</p> <p>S. 24 (2) am. (prosp.) ... 37, ss. 41 (1), 64 (1), sch. 3 para. 6.</p> <p>S. 24 (3) rep. (prosp.) ... 37, s. 64 (3), sch. 5.</p> <p>S. 24 (4) am. (prosp.) ... 37, ss. 41 (1), 64 (1), sch. 3 para. 6.</p> <p>S. 24 (5) rep. and superseded (prosp.) 37, ss. 41 (2) (3) 64 (3), sch. 5.</p> <p>S. 25 am. (prosp.) ... 37, s. 42.</p> <p>S. 25 (1) am. (prosp.) ... 37, s. 64 (1), sch. 3 para. 7.</p> <p>rep. in pt. (prosp.) ... 37, s. 64 (3), sch. 5.</p> <p>S. 26 am. (prosp.) ... 37, s. 42 (1).</p> <p>S. 26 (1) rep. in pt. (prosp.) 37, s. 64 (1) (3), schs. 3 para. 8, 5.</p> <p>S. 26 (6) ext. (E.) ... 37, s. 23.</p> <p>S. 28 (1) am. (prosp.) ... 37, s. 64 (1), sch. 3 para. 9.</p> <p>S. 28 (2) subst. (prosp.)... 37, s. 43.</p> <p>S. 29 (1) (2) rep. (prosp.) 37, s. 64 (3), sch. 5.</p> <p>S. 29 (3) am. (prosp.) ... 37, s. 64 (1), sch. 3 para. 10.</p> <p>Pt. III (ss. 31–76) ext. expld. (London) 37, s. 29 (2). (1.4.1965). 33, s. 47 (1)–(3).</p> <p>S. 32 (1) ext. 37, s. 25 (2).</p> <p>S. 34 subst. 37, s. 25 (1).</p> <p>S. 35 (2) rep. in pt. ... 37, s. 64 (3), sch. 5.</p> <p>S. 39 expld. 37, s. 57 (3).</p> <p>ext. 37, s. 57 (4).</p> <p>S. 39 (1) rep. in pt. ... 37, ss. 57 (1), 64 (3), sch. 5.</p> <p>S. 39 (1) (a) am. ... 37, s. 57 (1).</p> <p>S. 40 ext. 37, s. 23.</p> <p>S. 40 (1) am. 37, s. 64 (1), sch. 3 para. 11.</p> <p>S. 46 (1) mod. 37, s. 18.</p> <p>S. 47 (2) am. 37, s. 17 (2).</p>	

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23 & 24 Geo. 5: c. 12— <i>cont.</i>	Children and Young Persons Act 1933— <i>cont.</i>	S. 48 (1) rep. in pt. ...	37, s. 64 (1) (3), schs. 3 para. 12, 5.
		S. 49 appl. (mod.) ...	37, s. 57 (2).
		expld. ...	37, s. 57 (3) (a).
		ext. ...	37, s. 57 (4).
		S. 50 am. ...	37, s. 16 (1).
		S. 53 (4) am. (<i>prosp.</i>) ...	37, s. 64 (1), sch. 3 para. 13.
		rep. in pt. (<i>prosp.</i>) ...	37, s. 64 (1) (3), schs. 3 para. 13, 5.
		S. 56 (1) am. ...	37, s. 64 (1), sch. 3 para. 14 (1).
		S. 56 (2) subst. ...	37, s. 64 (1), sch. 3 para. 14 (2).
		S. 58 ext. ...	37, s. 11 (2) (4).
		am. ...	37, s. 64 (1), sch. 3 para. 15.
		S. 61 rep. and superseded	37, ss. 2 (3), 64 (3), sch. 5.
		S. 62 expld. ...	37, s. 29.
		am. ...	37, s. 4.
		S. 62 (2B) added ...	37, s. 64 (1), sch. 3 para. 16.
		S. 63 (1) rep. in pt. ...	37, s. 64 (3), sch. 5.
		S. 64 rep. ...	37, s. 64 (3), sch. 5.
		S. 65 subst. ...	37, s. 7 (1).
		expld. ...	37, s. 29.
		S. 66 am. ...	37, s. 5, sch. 1.
		expld. ...	37, s. 29 (2).
		S. 66 (1) ext. ...	37, s. 6 (1).
		am. ...	37, s. 6 (2).
		rep. in pt. ...	37, s. 64 (3), sch. 5.
		S. 66 (2) rep. ...	37, s. 64 (3), sch. 5.
		S. 67 (1) am. ...	37, s. 64 (1), sch. 3 para. 17 (1).
		ext. ...	37, s. 23.
		rep. in pt. ...	37, s. 64 (3), sch. 5.
		S. 67 (2) am. ...	37, s. 64 (1), sch. 3 para. 17 (2).
		rep. in pt. ...	37, s. 64 (3), sch. 5.
Ss. 68 (2) (3), 69 rep. ...	37, s. 64 (3), sch. 5.		
S. 70 (1) ext. ...	37, s. 8 (3) (4).		
S. 70 (2) am. ...	37, s. 64 (1), sch. 3 para. 18.		
S. 70 (3) rep. in pt. ...	37, s. 64 (3), sch. 5.		
S. 70 (4)–(6) rep. ...	37, s. 64 (3), sch. 5.		
S. 70 (7) am. ...	37, s. 64 (1), sch. 3 para. 18.		
S. 72 ext. ...	37, s. 11 (2). (4).		

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6 & 24 Geo. 5: 12— <i>cont.</i>	Children and Young Persons Act 1933— <i>cont.</i>	S. 72 (1) rep. in pt. ...	37, s. 64 (3), sch. 5.
		S. 73 am. ...	37, s. 64 (1), sch. 3 para. 19.
		rep. in pt. ...	37, s. 64 (1) (3), schs. 3 para. 19, 5.
		S. 76 ext. ...	37, s. 6 (1).
		Pt. IV (ss. 77-91) ext. ...	37, s. 29 (2).
		expld. (London) (1.4.1965).	33, s. 47 (1), (3).
		S. 78 (4) excl. ...	37, s. 11 (2).
		ext. (N.I., Channel Islands and Isle of Man).	37, s. 53 (1).
		S. 81 ext. ...	37, s. 11 (2), (4).
		S. 82 ext. ...	37, s. 11 (2), (4).
		S. 82 (1) am. ...	37, s. 10 (4).
		ext. (N.I., Channel Islands and Isle of Man).	37, s. 53 (1).
		S. 82 (2) am. ...	37, s. 10 (5).
		S. 83 ext. ...	37, s. 11 (2) (4).
		S. 84 (1) am. ...	37, s. 64 (1), sch. 3 para. 20 (1).
		S. 84 (4) saved ...	37, s. 15 (1).
		ext. ...	37, s. 33 (1).
		rep. in pt. ...	37, s. 64 (1) (3), schs. 3 para 20 (2), 5.
		S. 84 (8) subst. (<i>prosp.</i>) ...	37, s. 7 (2).
		S. 84 (8) (<i>b</i>), as subst., expld.	37, s. 15 (2).
		S. 85 ext. (N.I., Channel Islands and Isle of Man).	37, s. 53 (1).
		S. 85 (1) am. ...	37, s. 64 (1), sch. 3 para. 21.
		expld. ...	37, s. 29 (2).
		Ss. 86-89 appl. ...	37, s. 12.
		S. 86 restr. ...	37, s. 13.
S. 86 (3) (4) expld. ...	37, s. 30 (3).		
S. 87 (4) expld. ...	37, s. 30 (3).		
S. 87 (5) rep. ...	37, ss. 14 (5), 64 (3), sch. 5.		
S. 89 expld. ...	37, s. 30 (3).		
S. 90 ext. ...	37, s. 11 (3).		
S. 90 (2) am. ...	37, s. 33 (2).		
S. 90 (5) (<i>b</i>) subst. ...	37, s. 64 (1), sch. 3 para. 22.		
Pts. V, VI (ss. 92-109) expld. (London) (1.4.1965).	33, s. 47 (1) (3).		
S. 96 (4) expld. (London) (1.4.1965).	33, s. 47 (1).		
excl. (London) (1.4.1965).	33, s. 47 (2).		

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23 & 24 Geo. 5: c. 51— <i>cont.</i>	Local Government Act 1933— <i>cont.</i>	<p>S. 4 (3) am.</p> <p>S. 5 (2) rep. in pt.</p> <p>S. 6 (3A) added</p> <p>S. 7 (5) am.</p> <p>S. 11 saved (London)</p> <p>S. 18 (2) rep. in pt.</p> <p>S. 18 (7) (10) excl. (London).</p> <p>S. 19 (3) am.</p> <p>S. 20 (1) rep. in pt.</p> <p>S. 20 (3) excl. in pt. (London).</p> <p>S. 21 (2) subst. by s. 21 (2) (2A).</p> <p>S. 21 (3A) added</p> <p>S. 22 (5) am.</p> <p>S. 23 (2A) added</p> <p>S. 25 excl. (London)</p> <p> saved (London)</p> <p>S. 37 saved (London)</p> <p>Pt. II (ss. 57–84) expld. London.</p> <p>S. 59 (1) (a), (2) mod. (London).</p> <p>S. 65 para. (h) added</p> <p>S. 67 (2) am.</p> <p>S. 67 (4) (5) rep. in pt.</p> <p>S. 72 (1) am.</p> <p>S. 76 (1)–(7) appl. (mod.)</p> <p>S. 85 ext. (London)</p> <p>S. 85 (5) restr.</p> <p>S. 91 appl.</p> <p>S. 93 (1) (a) am.</p> <p>S. 97 subst.</p>	<p>33, s. 8 (2), sch. 4 para. 3.</p> <p>33, ss. 8 (2), 93 (1), schs. 4 para. 2, 18 Pt. I.</p> <p>33, s. 8 (2), sch. 4 para. 4.</p> <p>33, s. 8 (2), sch. 4 para. 3.</p> <p>33, s. 8 (1), sch. 3 para. 4 (2) (c).</p> <p>33, ss. 8 (2), 93 (1), schs. 4 para. 2, 18 Pt. I.</p> <p>33, s. 8 (2), sch. 4 para. 5.</p> <p>33, s. 8 (2), sch. 4 para. 3.</p> <p>33, ss. 8 (2), 93 (1), schs. 4 para. 2, 18 Pt. I.</p> <p>33, s. 8 (2), sch. 4 para. 5.</p> <p>33, s. 8 (2), sch. 4 para. 6.</p> <p>33, s. 8 (2), sch. 4 para. 7.</p> <p>33, s. 8 (2), sch. 4 para. 3.</p> <p>33, s. 8 (2), sch. 4 para. 8.</p> <p>33, s. 8 (2), sch. 4 para. 9.</p> <p>33, s. 8 (1), sch. 3 para. 4 (2) (c).</p> <p>33, s. 8 (1), sch. 3 para. 4 (2) (c).</p> <p>33, s. 2 (4), sch. 2 para. 11.</p> <p>33, s. 8 (2), sch. 4 para. 10.</p> <p>33, s. 8 (2), sch. 4 para. 11.</p> <p>33, s. 8 (2), sch. 4 para. 12.</p> <p>33, s. 93 (1), sch. 18 Pt. I.</p> <p>33, s. 8 (2), sch. 4 para. 13.</p> <p>38, s. 6 (6), sch. 4 para. 17.</p> <p>33, s. 2 (4), sch. 2 para. 11 (3).</p> <p>37, s. 56 (2).</p> <p>31, s. 37 (7).</p> <p>33, s. 8 (2), sch. 4 para. 14.</p> <p>33, s. 8 (2), sch. 4 para. 15.</p>

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23 & 24 Geo. 5: c. 51— <i>cont.</i>	Local Government Act 1933— <i>cont.</i>	S. 106 ext. (London) (1.4.1965). saved (London) ... S. 108 ext. (London) (1.4.1965). S. 110 am. ext. (London) (1.4.1965). S. 112 (5) am. S. 115 ext. (London) ... S. 116 ext. (London) (1.4.1965). S. 119 (1) expld.(London) S. 120 ext. (London) ... S. 121 saved (London) ... S. 123 appl. (mod.) ... S. 123A added S. 140 excl. (London) ... Ss. 148, 149 appl. (London). S. 151 appl. (London) ... S. 151 (6) subst. by s. 151 (6) (7). S. 157 am. ext. (London) ... S. 157 (1) mod. (London) rep. in pt. ...	33, s. 42. 33, s. 74 (1). 33, s. 42. 33, s. 8 (2), sch. 4 para. 16. 33, s. 42. 33, s. 8 (2), sch. 4 para. 17. 33, ss. 2 (4), 42, sch. 2 para. 12 (4). 33, s. 42. 33, s. 2 (4), sch. 2 para. 30 (10). 33, s. 2 (4), sch. 2 para. 12 (4). 33, s. 2 (4), sch. 2 para. 12 (1). 38, s. 6 (6), sch. 4 para. 24. 33, s. 8 (2), sch. 4 para. 18. 33, s. 6 (1). 33, s. 6 (5). 33, s. 84 (5). 46, s. 11. 29, s. 1 (1). 33, s. 2 (4), sch. 2 para. 14. 33, s. 8 (2), sch. 4 para. 20. 33, ss. 8 (2), 93 (1), schs. 4 para. 19, 18 Pt. I. 29, s. 1 (2). 33, ss. 8 (2), 93 (1), schs. 4 para. 21, 18 Pt. I. 29, s. 13. 33, s. 8 (2), sch. 4 para. 22. 33, s. 8 (2), sch. 4 para. 23. 29, s. 7 (1). 29, s. 7 (2). 33, s. 2 (4), sch. 2 para. 29. 46, s. 7 (1). 33, s. 8 (2), sch. 4 para. 24.

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3 & 24 Geo. 5: c. 51— <i>cont.</i>	Local Government Act 1933— <i>cont.</i>	S. 198 (2) rep. (saving) ... S. 202 rep. (saving) ... S. 212 (1) am. ... S. 212 (2) am. ... expld. ... S. 213(1) expld. (London) S. 218 am. ... Pt. X (ss. 219–243) appl. (London) (1.4.1965) ... S. 219 ext. (London) ... S. 219 para. (a) am. ... rep. in pt. (1.4.1965). S. 219 para. (c) am. ... rep. in pt. (1.4.1965). Ss. 229 (2), 230 (2) rep. in pt. (1.4.1965). Ss. 237, 239 excl. (London). Ss. 243 rep. (1.4.1965), 248 rep. in pt. (1.4.1965) S. 250 ext. (London) ... S. 250 (9) expld. (London) S. 250 (10) am. ... Ss. 251, 252 ext. (London) S. 253 excl. (London) ... am. (London) ... Ss. 254, 255 mod. (London) S. 259 (3) added ... Ss. 260 – 264 excl. (London). S. 267 am. ... expld. ... rep. in pt. ... S. 269 (1), (3) excl. (London). S. 270 am. ... S. 270 (4) added ... S. 274 excl. (London) ...	46, s. 8 (8). 46, s. 10 (6). 33, s. 8 (2), sch. 4 para. 25. 33, s. 8 (2), sch. 4 para. 25. 46, s. 8 (6). 33, s. 8 (2), sch. 4 para. 24. 33, s. 8 (2), sch. 4 para. 26. 33, s. 63 (2), sch. 15 para. 10. 33, s. 2 (4), sch. 2 para. 23. 33, s. 8 (2), sch. 4 para. 27 (a). 33, s. 93 (1), sch. 18 Pt. II. 33, s. 8 (2), sch. 4 para. 27 (b). 33, s. 93 (1), sch. 18 Pt. II. 33, s. 93 (1), sch. 18 Pt. II. 33, s. 8 (2), sch. 4 para. 28. 33, s. 93 (1), sch. 18 Pt. II. 33, s. 8 (2), sch. 4 para. 29. 33, s. 8 (2), sch. 4 para. 30. 33, s. 8 (2), sch. 4 para. 31. 33, s. 8 (2), sch. 4 para. 29. 33, s. 6 (1). 33, s. 7 (1). 33, s. 7 (3). 33, s. 8 (2), sch. 4 para. 32. 33, s. 8 (2), sch. 4 para. 33. 46, s. 1. 46, s. 1 (3). 46, s. 16, sch. 2. 33, s. 8 (2), sch. 4 para. 34. 33, s. 8 (2), sch. 4 para. 35. 33, s. 8 (2), sch. 4 para. 35 (3). 2, s. 4 (3), sch. 2 para. 1 (6).

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
i & 24 Geo. 5: —cont. C.A.M. No. 1	Benefices (Purchase of Rights of Patronage) Measure, 1933.	S. 8 (1) am. (<i>prosp.</i>) ...	C.A.M. No. 1 s. 86, sch. 4.
i & 25 Geo. 5: c. 32 ... c. 41 ...	Finance Act 1934 ... Law Reform (Miscellaneous Provisions) Act 1934.	Ss. 24, 25 (3) rep. in pt. S. 1 ext. ...	30, S.L.R. 47, s. 3 (1).
c. 49 ...	Whaling Industry (Regulation) Act 1934.	S. 17 (1) am. (meaning of "British ship").	54, s. 4 (4), sch. 2 para. 11. 55, s. 1 (2), sch. 1 para. 11.
c. 50 ...	Road Traffic Act 1934 ...	Ss. 1, 18 ext. (London) ... S. 23 rep. (London) (1.4.1965), sch. 3 rep. (London) so far as amending s. 57 (2) of the Road Traffic Act 1930 (c. 43) (1.4.1965).	See c. 33, s. 93 (1), sch. 18 Pt. II [1959, c. 25, s. 228 (9)]. 33, s. 16 (2), sch. 6 para. 70.
c. 53 ... c. 58 ...	County Courts Act 1934 Betting and Lotteries Act 1934.	S. 9 (5) rep. in pt. ... Rep. exc. s. 25 (1) (2) ...	30, S.L.R. 2, s. 57 (1), sch. 8.
C.A.M. No. 3	Cathedrals (Amendment) Measure, 1934.	Rep. ...	C.A.M. No. 2, s. 54 (1), sch. 2.
i & 26 Geo. 5: c. 8 ...	Unemployment Insurance Act 1935.	S. 105 (3) rep. ...	30, S.L.R.
c. 21 ...	Northern Ireland Land Purchase (Winding Up) Act 1935.	Sch. 2 para. (a) rep. in pt. (<i>prosp.</i>).	25, s. 73 (8) (b), sch. 14 Pt. VII.
c. 24 ...	Finance Act 1935 ...	S. 30 (1) rep. in pt. ...	30, S.L.R.
c. 30 ...	Law Reform (Married Women and Tortfeasors) Act 1935.	S. 6 (1) (c) restr. ...	47, s. 4 (1) (2).
c. 47 ...	Restriction of Ribbon Development Act 1935	S. 4 rep. (London) (1.4.1965). S. 13 rep. (London) (1.4.1965). S. 13 (1) proviso (a) mod. (S.). S. 14 rep. (London) (1.4.1965). S. 17 (9) expld. (London) (1.4.1965). S. 20 rep. (1.4.1965) ...	33, s. 16 (2), sch. 6 para. 70. 33, s. 16 (2), sch. 6 para. 70. 51, s. 15 (1). 33, s. 16 (2), sch. 6 para. 70. 33, s. 62 (1) (d). 33, s. 93 (1), sch. 18 Pt. II.
i Geo. 5 & 1 Edw. 8:	Civil List Act 1936 ...	Ss. 11, 12 rep. in pt. ...	30, S.L.R.
c. 15 ... c. 19 ...	Special Areas Reconstruction (Agreement) Act 1936.	Rep. ...	30, S.L.R.
c. 26 ...	Land Registration Act 1936.	S. 5 (2) rep. in pt. ...	30, S.L.R.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
26 Geo. 5 & 1 Edw. 8— <i>cont.</i> c. 34	Finance Act 1936 ...	S. 28 rep.	25, ss. 62 (5), 73 (8) (b), sch. 14 Pt. IV.
c. 38	Weights and Measures Act 1936.	Rep. (31.7.1965) ...	31, s. 63 (1) (b), sch. 9 Pt. II.
c. 43	Tithe Act 1936	S. 14 rep. S. 14A added Ss. 25 (3), 26 (1), 26 (3), all rep. in pt. S. 30 (1) rep. and superseded (saving) (<i>prosp.</i>). S. 30 (2) am. S. 32 (1) rep. (<i>prosp.</i>) Sch. 4 rep.	25, s. 73 (7) (c), sch. 13, Pt. IV. 25, s. 73 (7) (a), sch. 12 para. 22. 30, S.L.R. 14, ss. 1 (1), 3 (4) (6), sch. 14, s. 2. 14, s. 3 (4), sch. 25, s. 73 (7) (c), sch. 13 Pt. IV.
c. 49	Public Health Act 1936	Sch. 6 rep. (<i>prosp.</i>) Ext. (mod.) (London) (1.4.1965). Pt. I (ss. 1-13) mod. (London) (1.4.1965). S. 1 (1) expld. (London) (1.4.1965). S. 1 (2) mod. (London) (1.4.1965). S. 2 am. (London) (1.4.1965). Ss. 14-42 mod. (London) (1.4.1965). S. 15 mod. (1.4.1965) S. 15 (1) (i) mod. (London) (1.4.1965). S. 17 mod. (London) (1.4.1965). S. 17 (7) (8) rep. in pt. (1.4.1965). S. 17 (9) rep. in pt. (1.4.1965). S. 18 (3) mod. (London) (1.4.1965). rep. in pt. (1.4.1965). S. 20 (1) expld. (London) (1.4.1965). S. 20 (2) subst. (1.4.1965) S. 21 mod. (London) (1.4.1965). S. 21 (4) expld. (London) (1.4.1965). S. 24 (4) mod. (London) (1.4.1965).	14, s. 3 (4), sch. 33, s. 40, sch. 11 Pt. I paras. 1, 2. 33, s. 41 (3). 33, s. 40, sch. 11 Pt. I para. 11. 33, s. 37 (1). 33, s. 41 (1). 33, s. 37, sch. 9 Pts. I, II. 33, s. 37, sch. 9 Pt. II para. 1 (2). 33, s. 37, sch. 9 Pt. II para. 1. 33, ss. 35, 37, sch. 9 Pt. II para. 2. 33, s. 93 (1), sch. 18 Pt. II. 33, s. 93 (1), sch. 18 Pt. II. 33, s. 37, sch. 9 Pt. II para. 3. 33, s. 93 (1), sch. 18 Pt. II. 33, s. 37, sch. 9 Pt. II para. 4 (1). 33, s. 37, sch. 9 Pt. II para. 4 (2). 33, s. 37, sch. 9 Pt. II para. 5. 33, s. 37, sch. 9 Pt. II para. 5. 33, s. 37, sch. 9 Pt. II para. 6 (1).

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
26 Geo. 5 & 1 Edw. 8 : c. 49— <i>cont.</i>	Public Health Act 1936 — <i>cont.</i>	<p>S. 24 (5) excl. (London) (1.4.1965).</p> <p>S. 25 mod. (London) (1.4.1965).</p> <p>S. 27 mod. (London) (1.4.1965).</p> <p>S. 28 ext. (London City) (1.4.1965).</p> <p>S. 28 mod. (London) (1.4.1965).</p> <p>S. 28 (2) rep. (1.4.1965) ...</p> <p>S. 29 mod. (London) (1.4.1965).</p> <p>S. 30 expld. (London) (1.4.1965).</p> <p>excl. (London) (1.4.1965).</p> <p>S. 31 expld. (London) (1.4.1965).</p> <p>excl (London) (1.4.1965).</p> <p>S. 32 expld. (London) (1.4.1965).</p> <p>excl. (London) (1.4.1965).</p> <p>S. 32 (4) added (1.4.1965)</p> <p>Ss. 34, 35 am. (London) (1.4.1965).</p> <p>S. 37 mod. (London) (1.4.1965).</p> <p>S. 38 mod. (London) (1.4.1965).</p> <p>Ss. 39, 40 excl. (London) (1.4.1965).</p> <p>S. 41 ext. (London) (1.4.1965).</p> <p>S. 42 expld. (mod.) London) (1.4.1965).</p> <p>S. 43 excl. (London) (1.4.1965).</p> <p>Ss. 44–46 excl. (<i>prosp.</i>) ...</p> <p>Ss. 44 (3) rep. in pt. (<i>prosp.</i>), 45 (4) rep. in pt. (<i>prosp.</i>), 46 (4) rep. (<i>prosp.</i>).</p> <p>S. 51 mod. (London) (1.4.1965).</p> <p>Ss. 53–55 excl. (London) (1.4.1965).</p> <p>Ss. 57–71 excl. (London) (1.4.1965).</p> <p>Ss. 59 (2)–(4), 60 restr. (<i>prosp.</i>).</p>	<p>33, s. 37, sch. 9, Pt. II para. 6 (2).</p> <p>33, s. 37, sch. 9 Pt. II para. 7.</p> <p>33, s. 37, sch. 9 Pt. II para. 8.</p> <p>33, s. 37, sch. 9 Pt. I para. 3.</p> <p>33, s. 37, sch. 9 Pt. II para. 9.</p> <p>33, s. 93 (1), sch. 18 Pt. II.</p> <p>33, s. 37, sch. 9 Pt. II para. 10.</p> <p>33, s. 37, sch. 9 Pt. II para. 11.</p> <p>33, s. 37, sch. 9, Pt. III para. 4.</p> <p>33, s. 37, sch. 9 Pt. II para. 11.</p> <p>33, s. 37, sch. 9 Pt. III para. 4.</p> <p>33, s. 37, sch. 9 Pt. II para. 12 (1).</p> <p>33, s. 37, sch. 9 Pt. II para. 12 (2).</p> <p>33, s. 37, sch. 9 Pt. II para. 12 (3).</p> <p>33, s. 37, sch. 9 Pt. II para. 13.</p> <p>33, s. 37, sch. 9 Pt. II para. 7.</p> <p>33, s. 37, sch. 9 Pt. II para. 7.</p> <p>33, s. 37, sch. 9 Pt. II para. 14.</p> <p>33, s. 37, sch. 9 Pt. II para. 15.</p> <p>33, s. 37, sch. 9 Pt. II para. 16.</p> <p>33, s. 40, sch. 11 Pt. I para. 12.</p> <p>41, s. 9 (6).</p> <p>41, s. 91 (4), sch. 2.</p> <p>33, s. 40, sch. 11 Pt. I para. 13.</p> <p>33, s. 40, sch. 11 Pt. I para. 12.</p> <p>33, s. 40, sch. 11 Pt. I para. 12.</p> <p>41, s. 76 (2).</p>

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26 Geo. 5 & 1 Edw. 8 : c. 49— <i>cont.</i>	Public Health Act 1936— <i>cont.</i>	Ss. 72–77 expld. (London) (1.4.1965).	33, s. 40, sch. 11 Pt. I para. 14 (1).
		S. 72 (1) expld. (London) (1.4.1965).	33, s. 40, sch. 11 Pt. I para. 14 (1).
		S. 72 (1) excl. (London) (1.4.1965).	33, s. 40, sch. 11 Pt. I para. 14 (2).
		S.73 (1) expld. (London) (1.4.1965).	33, s. 40, sch. 11 Pt. I para. 14 (1) (b).
		restr. (London) (1.4.1965).	33, s. 40, sch. 11 Pt. I para. 14 (3).
		S. 74 (2) expld. (London) (1.4.1965).	33, s. 40, sch. 11 Pt. I para. 15.
		S. 75 (3) (London) (1.4.1965).	33, s. 40, sch. 11 Pt. I para. 16.
		S. 76 (1) (3) expld. (London) (1.4.1965).	33, s. 40, sch. 11 Pt. I para. 15.
		S. 77 (1) expld. (London) (1.4.1965).	33, s. 40, sch. 11 Pt. I para. 14 (1).
		S. 81 am. (London) (1.4.1965).	33, s. 40, sch. 11 Pt. I para. 17.
		S. 82 (1) am. (London) (1.4.1965).	33, s. 40, sch. 11 Pt. I para. 18 (1).
		S. 82 (2) am. (1.4.1965) ...	33, s. 40, sch. 11 Pt. I para. 18 (2).
		Ss. 87, 88 expld. (London) (1.4.1965).	33, s. 40, sch. 11 Pt. I para. 19.
		S. 90 am. (London) (“sew-erage authority”) (1.4.1965).	33, s. 37, sch. 9 Pt. I para. 1. sch. 10.
		mod. (London) (1.4.1965).	33, s. 37 (1).
		S. 90 (1) rep. in pt. (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.
		S. 92 (1) (e) excl. (<i>prosp.</i>)	41, s. 76 (3).
		S. 92 (3) rep. (<i>prosp.</i>) ...	41, s. 91 (4), sch. 2.
		S. 98 (2) rep. (1.4.1965) ...	33, s. 93 (1), sch. 18 Pt. II.
		S. 107 expld. (London) (1.4.1965).	33, s. 40 (3), sch. 11 Pt. I para. 20.
S. 122 ext. ...	38, s. 32 (5).		
S. 137 excl. (London) (1.4.1965).	33, s. 40 (3), sch. 11 Pt. I para. 21.		
S. 143 (8) rep. (1.4.1965)	33, s. 93 (1), sch. 18 Pt. II.		
S. 188 ext. ...	13, s. 1 (2).		
S. 192 rep. (15.5.1964) ...	13, s. 2.		

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26 Geo. 5 & 1 Edw. 8: c. 49— <i>cont.</i>	Public Health Act 1936— <i>cont.</i>	<p>Ss. 199 (1) rep. in pt. (1.4.1965), 257 rep. (1.4.1965).</p> <p>S. 266 (1) (i) expld. (London) (1.4.1965).</p> <p>S. 266 (1) (ii) rep. (1.4.1965).</p> <p>Pt. XII (ss. 271–347) appl. (mod.) (London) (1.4.1965).</p> <p>am. (London) (1.4.1965).</p> <p>S. 278 expld. (London) (1.4.1965).</p> <p>S. 290 (2)–(7) appl. (London) (1.4.1965).</p> <p>S. 310 (3) expld.</p> <p>S. 314 restr. (London) (1.4.1965).</p> <p>Ss. 322–325 incorp.(mod.) (<i>prosp.</i>).</p> <p>S. 330 mod. (London) (1.4.1965).</p> <p>S. 331 expld. (London) (1.4.1965).</p> <p>excl. (London) (1.4.1965).</p> <p>S. 334 expld. (London) (1.4.1965).</p> <p>Ss. 335, 336, 342 rep. (1.4.1965).</p> <p>S. 343 (1) excl. in pt. (London) (1.4.1965).</p> <p>rep. in pt. (1.4.1965).</p> <p>S. 347 (2) rep. in pt. (1.4.1965).</p> <p>Sch. 2 rep. (1.4.1965) ...</p>	<p>33, s. 93 (1), sch. 18 Pt. II.</p> <p>33, s. 40, sch. 11 Pt. I para. 23.</p> <p>33, s. 93 (1), sch. 18 Pt. II.</p> <p>33, ss. 35, 37, 38, schs. 9 Pts. I, II, 10.</p> <p>33, s. 40, sch. 11 Pt. I para. 24.</p> <p>33, s. 58 (1).</p> <p>33, s. 37, sch. 9 Pt. II para. 18.</p> <p>46, ss. 7 (4), 8 (5), 10 (5).</p> <p>33, s. 40, sch. 11 Pt. I para. 25.</p> <p>41, s. 61 (1).</p> <p>33, ss. 35, 37, sch. 9 Ptd. I, II.</p> <p>33, s. 58 (1).</p> <p>33, s. 37, sch. 9 Pt. III para. 4.</p> <p>33, s. 58 (1).</p> <p>33, s. 93 (1), sch. 18 Pt. II.</p> <p>33, s. 35, sch. 9 Pt. II para. 19.</p> <p>33, s. 93 (1), sch. 18 Pt. II.</p> <p>33, s. 93 (1), sch. 18 Pt. II.</p> <p>33, s. 93 (1), sch. 18 Pt. II.</p>
c. 50	Public Health (London) Act 1936.	<p>Rep. (1.4.1965)</p> <p>S. 106 excl. (<i>prosp.</i>) ...</p> <p>Ss. 128, 129 excl. (<i>prosp.</i>)</p> <p>S. 242 ext.</p> <p>S. 246 rep. (15.5.1964) ...</p> <p>Rep. (31.7.1965)</p>	<p>33, ss. 83 (1), 93 (1), schs. 17 para. 29 (f), 18 Pt. II.</p> <p>41, s. 9 (6).</p> <p>41, s. 77.</p> <p>13, s. 1 (2).</p> <p>13, s. 2.</p> <p>31, s. 63 (1) (b), sch. 9 Pt. II.</p>
c. 54	Weights and Measures, Sale of Coal (Scotland) Act 1936.	Rep.	31, s. 63 (1) (b), sch. 9 Pt. II.
C.A.M. No. 4	Cathedrals (Houses of Residence) Measure, 1936.	Rep.	C.A.M. No. 2, s. 54 (1), sch. 2.
C.A.M. No. 5 ...	Ecclesiastical Commissioners (Powers) Measure, 1936.	<p>S. 6 excl. (cathedral corporations).</p> <p>S. 9 rep. (<i>prosp.</i>) ...</p>	<p>C.A.M. No. 2, s. 53, sch. 1.</p> <p>C.A.M. No. 1, s. 87, sch. 5.</p>

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1 Edw. 8 & 1 Geo. 6: c. 5	Trunk Roads Act 1936 ...	Ss. 1 (1) rep. (London), 3 (1) (2) rep. in pt. (London), 3 (4)-(6) rep. (London), 4, 5 rep. (London), 6 rep. in pt. (London), 7, 8, 10, 11 rep. (London), 13 (1) rep. in pt. (London), schs. 2 rep. in pt. (London), 3 rep. in pt. (London), 4, 5 rep. (London) (all on 1.5.1965).	33, s. 16 (2), sch. sch. 6 para. 70.
c. 6	Public Order Act 1936 ...	S. 5 am. S. 7 (2) am.	52, s. 1 (1). 52, s. 1 (2).
c. 32	Civil List Act 1937 ...	S. 13 rep. in pt.	30, S.L.R.
c. 33	Diseases of Fish Act 1937	Ext.	38, s. 126 (1).
c. 34	Sheep Stocks Valuation (Scotland) Act 1937.	Ext.	11, s. 21 (3).
c. 35	Statutory Salaries Act 1937.	Ss. 1 (1) rep., 1 (2) rep. in pt., 3 rep. in pt., 5 (2) rep., schs. 1 rep., 2 rep. in pt.	30, S.L.R.
c. 37	Children and Young Persons (Scotland) Act 1937.	S. 18 (1) (2) am. Pt. III (ss. 28-38) ext. (<i>prosp.</i>). S. 28 (1) (a) subst. (<i>prosp.</i>). S. 28 (1) (c) subst. (<i>prosp.</i>) S. 28 (3) subst. (<i>prosp.</i>) S. 30 mod. (<i>prosp.</i>) S. 31 (1) (3) am. (<i>prosp.</i>) S. 32 rep. (<i>prosp.</i>) S. 33 am. (<i>prosp.</i>) S. 34 (3) rep. (<i>prosp.</i>) S. 34 (5) rep. and superseded (<i>prosp.</i>). S. 36 (1) am. (<i>prosp.</i>) S. 36 (2) subst. (<i>prosp.</i>) S. 37 para. (g) rep. (<i>prosp.</i>). S. 38 (1) (2) rep. (<i>prosp.</i>) S. 38 (3) am. (<i>prosp.</i>) S. 38 (7) rep. (<i>prosp.</i>) Pts. IV, V (ss. 39-95) ext. S. 46 expld. ext. S. 46 (1) rep. in pt.	37, s. 32. 37, s. 44 (2). 37, s. 64 (1), sch. 3 para. 29 (1). 37, s. 34. 37, s. 64 (1), sch. 3 para. 29 (2). 37, s. 35 (2). 37, s. 36. 37, s. 64 (3), sch. 5. 37, s. 64 (1), sch. 3 para. 30. 37, s. 64 (3), sch. 5, 37, ss. 41 (2) (3), 64 (3), sch. 5. 37, s. 64 (1), sch. 3 para. 31. 37, s. 43. 37, s. 64 (3), sch. 5. 37, s. 64 (3), sch. 5. 37, s. 64 (1), sch. 3 para. 32. 37, s. 64 (3), sch. 5. 39, s. 18, sch. 2 para. 5. 37, s. 57 (3). 37, s. 57 (4). 37, ss. 57 (1), 64 (3), sch. 5.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
1 Edw. 8 & 1 Geo. 6 : c. 37— <i>cont.</i>	Children and Young Persons (Scotland) Act 1937— <i>cont.</i>	S. 46 (1) (a) am. ... S. 54 appl. (mod.) ... <i>expld.</i> ... <i>ext.</i> ... S. 78 rep. (saving) ... S. 82 (4) <i>ext.</i> ... S. 83 (2) <i>ext.</i> ... S. 86 (1) <i>ext.</i> ... S. 86 (1) (b) am. ... <i>rep. in pt.</i> <i>(saving).</i> S. 87 (1) (3) am. ... S. 87 (6) added ... S. 89 <i>ext.</i> ... S. 91 (5) <i>rep. in pt.</i> <i>(saving).</i> Sch. 2 para. 6 <i>rep. (saving)</i> Sch. 2 para. 8 <i>ext.</i> <i>rep. in pt.</i> <i>(saving).</i> Sch. 2 para. 9 (3) am. ... Sch. 2 para. 12 <i>rep. in pt.</i> <i>(saving).</i> Sch. 2 para. 13 am. ...	37, s. 57 (1). 37, s. 57 (2). 37, s. 57 (3) (b). 37, s. 57 (4). 39, ss. 18 (4), 52 (2) (3), sch. 6. 37, s. 53 (1). 39, s. 21 (2). 37, s. 53 (1). 39, s. 52 (1) (3), sch. 5. 39, s. 52 (2) (3), sch. 6. 39, s. 52 (1) (3), sch. 5. 37, s. 64 (1), sch. 3 para. 33. 37, s. 53 (1). 39, s. 52 (2) (3), sch. 6. 39, ss. 18 (4), 52 (2) (3), sch. 6. 39, s. 19. 39, ss. 20 (1), 52 (2) (3), sch. 6. 39, s. 52 (1) (3), sch. 5. 39, s. 52 (2) (3), sch. 6. 37, s. 64 (1), sch. 3 para. 34. 30, S.L.R.
c. 38 ...	Ministers of the Crown Act 1937.	S. 7 (2) <i>rep. in pt.</i> ...	30, S.L.R.
c. 40 ...	Public Health (Drainage of Trade Premises) Act 1937.	Mod. (London) (1.4.1965) Ss. 1, 4 mod. (London) (1.4.1965). S. 7 mod. (London) (1.4.1965). S. 7 (5) mod. (London) (1.4.1965). S. 9 (2) mod. (London) (1.4.1965). S. 15 (2) <i>rep. in pt.</i> (1.4.1965).	33, s. 38, sch. 10. 33, s. 38, sch. 10 para. 3. 33, s. 38, sch. 10 para. 4. 33, s. 38, sch. 10 para. 3. 33, s. 38, sch. 10 para. 3. 33, s. 93 (1), sch. 18 Pt. II.
c. 54 ...	Finance Act 1937 ...	Sch. 4 para. 4 <i>rep. in pt.</i>	25, s. 73 (7) (b), sch. 13 Pt. II.
c. 65 ...	London Naval Treaty Act 1937.	Rep. ...	30, S.L.R.
c. 68 ...	Local Government Superannuation Act 1937.	<i>Expld.</i> ... <i>Ext. (prosp.)</i> ... <i>Appl.</i> ... S. 1 (1) (a) am. (1.4.1965) S. 2 <i>expld.</i> (London) ... S. 4 saved (London) ... S. 35 <i>ext.</i> ... S. 40 (1) am. ("local authority"). <i>rep. in pt.</i> (1.4.1965).	38, s. 96 (3). 38, s. 96 (1). 38, ss. 96 (1), 97. 33, s. 77 (1) (a). 33, s. 77 (2). 33, s. 77 (3). 38, s. 97 (2) (3). 33, s. 77 (1) (b). 33, s. 93 (1), sch. 18 Pt. II.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
1 Edw. 8 & 1 Geo. 6: c. 68— <i>cont.</i>	Local Government Superannuation Act 1937— <i>cont.</i>	Sch. 1 Pt. I am. ... rep. in pt. (1.4.1965). ext. (<i>prosp.</i>) am. (<i>prosp.</i>)...	33, s. 77 (1) (c). 33, s. 93 (1), sch. 18 Pt. II. 38, s. 96 (1) (a). 38, s. 136 (1), sch. 13 para. 1.
C.A.M. No. 3	Southwark Cathedral Measure, 1937.	Ss. 2, 5, 8, schs. 1, 2 rep.	C.A.M. No. 2, s. 54 (1), sch. 2.
1 & 2 Geo. 6: c. 6 ...	Air Raid Precautions Act 1937.	Expld. (London) (1.4.1965). Ss. 2, 7 (3) rep. (1.4.1965)	33, s. 49 (1). 33, s. 93 (1), sch. 18 Pt. II.
c. 25 ...	Eire (Confirmation of Agreements) Act 1938.	Sch. 2 para. 1 rep. (<i>prosp.</i>)	25, s. 73 (8) (b), sch. 14 Pt. VII.
c. 40 ...	Children and Young Persons Act 1938.	Ss. 1, 2, proviso, 4 rep. 5 rep. in pt. S. 6 (2) ext. (mod.) ... rep. in pt. S. 6 (3) (4) ext. (mod.)	37, s. 64 (3), sch. 5. 37, ss. 9 (5), 23 (7). 37, s. 64 (3), sch. 5. 37, ss. 9 (5), 23 (7). 37, s. 64 (3), sch. 5.
c. 46 ...	Finance Act 1938	S. 42 (5) (b) ext. ... S. 52 rep. ...	25, s. 69 (1) proviso. 25, s. 73 (8) (b), sch. 14 Pt. VI.
c. 62 ...	British Museum Act 1938	Rep. ...	24, s. 13 (5), sch. 4.
c. 65 ...	Rating and Valuation (Air-Raid Works) Act 1938.	Ss. 1 (4) rep. in pt. (1.4.1965), 2 (3) rep. (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.
c. 67 ...	Supreme Court of Judicature (Amendment) Act 1938.	S. 4 rep. in pt. ...	30, S.L.R.
2 & 3 Geo. 6: c. 21 ...	Limitation Act 1939	S. 2 (1) excl. ... Ss. 22 (1), 26 am. ... S. 27 (3)-(7) appl. ... Ss. 28, 30 appl. ... S. 2 (5) rep. (S.) ...	47, ss. 1-3. 47, s. 4 (3), (5). 47, s. 4 (5). 47, s. 5. 51, s. 47 (3), sch. 4.
c. 22 ...	Camps Act 1939	S. 2 (5) rep. (S.) ...	51, s. 47 (3), sch. 4.
c. 31 ...	Civil Defence Act 1939	Expld. (London) (1.4.1965). Ss. 11 (1) and 25 rep. in pt. (1.4.1965). S. 33 (4) (a) am. (1.4.1965) S. 35 (1) rep. in pt. (1.4.1965). S. 58 (4) subst., 58 (5) am. (1.4.1965). Ss. 73 (2) (a), 84, 90 (1) rep. (all on 1.4.1965).	33, s. 49 (1). 33, s. 93 (1), sch. 18 Pt. II. 33, s. 49 (6). 33, s. 93 (1), sch. 18 Pt. II. 33, s. 49 (5). 33, s. 93 (1), sch. 18 Pt. II.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
& 3 Geo. 6 — <i>cont.</i>			
c. 38 ...	Ministry of Supply Act 1939.	S. 6 (3) rep. ...	30, S.L.R.
c. 40 ...	London Government Act 1939.	Rep. (1.4.1965) ... S. 125 am. ... S. 134 (2) rep. (saving) ... S. 135 (2) expld. ... S. 143 rep. (saving) ... S. 161 am. ... expld. ... rep. in pt. ... S. 173 (5)-(7) ext. ... S. 37 am. ...	33, s. 93 (1), sch. 18 Pt. II. 46, s. 7 (1). 46, s. 8 (8). 46, s. 8 (6). 46, s. 10 (6). 46, s. 1. 46, s. 1 (3). 46, s. 16, sch. 2. 46, s. 6 (4). 25, ss. 57 (1), 62 (3). 25, s. 58 (3). 25, s. 73 (8) (b), sch. 14 Pt. IV. 33, s. 62 (1) (e).
c. 41 ...	Finance Act 1939 ...	S. 3 (1) expld. (London) (1.4.1965). rep. in pt. (1.4.1965)	33, s. 93 (1), sch. 18 Pt. II.
c. 56 ...	Riding Establishments Act 1939.	S. 3 (2) rep. (1.4.1965), 3 (3) rep. in pt. (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.
c. 57 ...	War Risks Insurance Act 1939.	S. 16 (2) rep. in pt. ...	30, S.L.R.
c. 64 ...	Currency (Defence) Act 1939.	S. 1 (2) rep. in pt. ...	30, S.L.R.
c. 70 ...	Ships and Aircraft (Transfer Restriction) Act 1939.	Restr. ...	54, s. 4 (4), sch. 2 para. 10. 55, s. 1 (2), sch. 1 para. 10.
c. 75 ...	Compensation (Defence) Act 1939.	S. 2 (2) rep. in pt. ...	25, s. 73 (7) (b), (8) (b), schs. 13 Pt. I, 14 Pt. VI. 59, s. 2 (5).
c. 117 ...	National Loans Act 1939	Appl. ... S. 2 (5) rep. in pt. ...	30, S.L.R.
& 4 Geo. 6:			
c. 14 ...	Agriculture (Miscellaneous War Provisions) Act 1940.	S. 18 excl. (E.) (river authorities) (<i>prosp.</i>).	38, s. 5 (2), sch. 3 para. 7.
c. 29 ...	Finance Act 1940 ...	S. 43 expld. ... Sch. 7 rep. in pt. ...	25, s. 53 (2). 25, s. 73 (7) (b), sch. 13 Pt. III.
c. 35 ...	Indian and Colonial Divorce Jurisdiction Act 1940.	Restr. ...	54, s. 7 (1), (4).
c. 42 ...	Law Reform (Miscellaneous Provisions) (Scotland) Act 1940.	S. 3 restr. ...	47, s. 10 (1).
c. 48 ...	Finance (No. 2) Act 1940	Pt. V (ss. 18-41), schs. 8, 9 rep.	9, s. 41 (1), sch. 4.
& 5 Geo. 6:			
c. 30 ...	Finance Act 1941 ...	S. 48 rep. ...	9, s. 41 (1), sch. 4.
c. 35 ...	Colonial War Risks Insurance (Guarantee) Act 1941.	S. 1 (3) rep. in pt. ...	30, S.L.R.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
5 & 6 Geo. 6:			
c. 18	Royal Naval Volunteer Reserve Act 1942.	Rep.	30, S.L.R.
c. 21	Finance Act 1942 ...	S. 20 rep. S. 42, sch. 10 Pt. II rep.	9, s. 41 (1), sch. 4.
		S. 49 (3) rep.	25, s. 73 (8) (b), sch. 14 Pt. VI.
		Sch. 11 Pt. I rep. in pt. (<i>prosp.</i>)	9, s. 41 (1), sch. 4.
		Rep.	25, s. 73 (8) (b), sch. 14 Pt. VII.
c. 29	Allied Powers (War Service) Act 1942.	Rep.	30, S.L.R.
6 & 7 Geo. 6:			
c. 9	Universities and Colleges (Trusts) Act 1943.	S. 2(2) rep. in pt. ...	11, s. 28, sch. Pt. II.
c. 28	Finance Act 1943 ...	Ss. 12, 31 (2) (c) rep. ...	9, s. 41 (1), sch. 4.
c. 36	Emergency Powers (Isle of Man Defence) Act 1943.	Rep.	30, S.L.R.
c. 44	Rent of Furnished Houses Control (Scotland) Act 1943.	Cont. as amd. until 31.3.1965.	58, s. 1 (2).
7 & 8 Geo. 6:			
c. 10	Disabled Persons (Employment) Act 1944.	S. 20 (3) rep.	30, S.L.R.
c. 21	Pensions (Increase) Act 1944.	S. 3 (7) rep.	30, S.L.R.
c. 23	Finance Act 1944 ...	Pt. II (ss. 10-18) rep. ... S. 44 rep.	9, s. 41 (1), sch. 4. 25, ss. 59 (5), 73 (8) (b), sch. 14 Pt. IV.
c. 26	Rural Water Supplies and Sewerage Act 1944.	S. 49 (3), sch. 2 rep. ... S. 6 excl. (London) (1.4.1965).	9, s. 41 (1), sch. 4. 33, s. 36 (3).
c. 31	Education Act 1944 ...	S. 7 (2) am. Expld. (London) ... S. 11 (3)-(5) ext. (London) ... S. 13 ext. (London) ... S. 40 (4A) added, 40 (5) am. S. 40A added (<i>prosp.</i>) ... S. 42 ext. and expld. (London). S. 54 (4) mod. (London) S. 88 ext. (London) ... S. 111 proviso excl. ... S. 114 (1) expld. in pt. (London). S. 117 rep. (1.4.1965) ... Sch. 1 Pts. II paras. 7, 8 mod. (London), III excl. (London). Sch. 8 rep. in pt. (1.4.1965). rep. in pt. (<i>prosp.</i>)	12, s. 6 (1). 33, s. 31 (8). 33, s. 31 (2). 33, s. 31 (10). 37, s. 64 (1), sch. 3 para. 35. 37, s. 64 (1), sch. 3 para. 36. 33, s. 31 (4). 33, s. 32 (7). 33, s. 30 (4). 20, s. 1 (7). 33, s. 31 (10). 33, s. 93 (1), sch. 18 Pt. II. 33, s. 30 (5). 33, s. 93 (1), sch. 18 Pt. II. 37, s. 64 (3), sch. 5.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
7 & 8 Geo. 6:— <i>cont.</i>			
c. 47	Town and Country Planning Act 1944.	S. 65 (1) rep. in pt. (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.
8 & 9 Geo. 6:			
c. 5	Representation of the People Act 1945.	Appl. (mod.) (London)...	33, s. 8 (1), sch. 3.
c. 16	Limitation (Enemies and War Prisoners) Act 1945.	Pt. II (ss. 4-12) rep., s. 38 rep. in pt.	30, S.L.R.
c. 18	Local Authorities Loans Act 1945.	S. 1 (1), as appl. to Scotland in s. 4 (a), am.	47, s. 11.
c. 33	Town and Country Planning (Scotland) Act 1945.	S. 2 (1) am. S. 5 am.	47, s. 4 (3). 47, s. 14 (1).
c. 41	Family Allowances Act 1945.	S. 3 (1) rep. in pt. S. 8 (2) (d) rep. in pt. (1.4.1965).	30, S.L.R. 33, s. 93 (1), sch. 18 Pt. II.
c. 35	Forestry Act 1945 ...	Sch. 5, as appl. by the New Towns Act 1946 (c. 68), am.	51, s. 47 (3), sch. 4.
c. 41	Family Allowances Act 1945.	S. 4 (7) (c) am. (S). ...	23, s. 1.
c. 42	Water Act 1945... ..	S. 11 (1) (b) rep. ...	37, s. 64 (1) (3), schs. 3 para. 37, 5.
		S. 11 (1) (d) added ...	37, s. 64 (1), sch. 3 para. 37.
		S. 26 (3) rep. in pt. ...	37, s. 64 (3), sch. 5.
		rep. in pt. (saving).	39, s. 52 (2) (3), sch. 6.
		S. 26 (8A) added (saving)	39, s. 52 (1) (3), sch. 5.
		Expld. (London) (1.4.1965).	33, s. 40, sch. 11 Pt. I paras. 1, 2.
		S. 1 am.	38, s. 1 (1).
		Ss. 3 (1) rep. in pt. (prosp.), 4 (1) (a), (e), (3) rep. in pt. (prosp.), 5 para. (a) rep. in pt. (prosp.), 6 rep. (prosp.).	38, s. 136 (2), sch. 14 Pt. I
		S. 9 ext.	38, s. 32 (5).
		S. 14 (1)-(8) rep. (prosp.), 14 (9) rep. in pt. (prosp.).	38, s. 136 (2), sch. 14 Pt. II.
		S. 14 (10) am. (prosp.) ...	38, s. 136 (1), sch. 13 paras. 19, 23.
		S. 14 (11) rep. (prosp.) ...	38, s. 136 (2), sch. 14 pt. II.
		S. 14 (12) am. (prosp.) ...	38, s. 136 (1), sch. 13 paras. 19, 23.
		S. 18 appl. (mod.) ...	38, s. 79.
		S. 21 am. (prosp.) ...	38, s. 136 (1), sch. 13 para. 3.
		S. 22 (2)-(4) ext. ...	38, s. 68 (2).
		S. 23 ext.	38, s. 32 (5).
		S. 23 (1) proviso rep. in pt. (prosp.).	38, s. 136 (2), sch. 14 Pt. II.
		S. 23 (1) proviso am. (prosp.).	38, s. 136 (1), sch. 13 para. 4.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
8 & 9 Geo. 6: c. 42 — <i>cont.</i>	Water Act 1945— <i>cont.</i>	<p>Ss. 26 rep. (<i>prosp.</i>), 33 (1) proviso rep. in pt. (<i>prosp.</i>), 45 para. (b) rep. (<i>prosp.</i>), sch. 1 paras. 3 (iv) rep. (<i>prosp.</i>), 19 proviso rep. (<i>prosp.</i>), 20 rep. in pt. (<i>prosp.</i>), 22 rep. in pt. (<i>prosp.</i>).</p> <p>S. 39 expld. (Greater London) (1.4.1965).</p> <p>S. 39 (2) rep. (1.4.1965) ...</p> <p>S. 59 (1) am. (1.4.1965) ...</p> <p>Sch. 1 expld. (1.4.1965)</p> <p>Sch. 3 para. 1 (1) am. (1.4.1965).</p> <p>Sch. 3, s. 9 appl. (mod.)</p> <p>Sch. 3, s. 10 rep. (<i>prosp.</i>)</p> <p>Sch. 3, s. 12–17, 19, 20, 22, 28, 67, 68 appl. (mod.).</p> <p>Sch. 3, s. 93 (1) rep. in pt. (<i>prosp.</i>).</p>	<p>38, s. 136 (2), sch. 14 Pt. II.</p> <p>33, s. 40, sch. 11 Pt. I para. 26.</p> <p>33, s. 93 (1), sch. 18 Pt. II.</p> <p>33, s. 40, sch. 11 Pt. I para. 27.</p> <p>33, s. 40 sch. 11 Pt. I para. 28.</p> <p>33, s. 40, sch. 11 Pt. I para. 29.</p> <p>38, s. 69 (3), sch. 9.</p> <p>38, s. 136 (2), sch. 14 Pt. II.</p> <p>38, s. 69 (3), sch. 9.</p> <p>38, s. 136 (2), sch. 14 Pt. II.</p>
9 & 10 Geo. 6: c. 13	Finance (No. 2) Act 1945	<p>Ss. 2, 14 (1) rep. ...</p> <p>S. 48 (1) rep. in pt. ...</p> <p>S. 60 (1) rep. ...</p> <p>S. 62 (2) (a) rep. ...</p> <p>Sch. 9 rep. ...</p>	<p>9, s. 41 (1), sch. 4.</p> <p>30, S.L.R.</p> <p>25, s. 73 (8) (b), sch. 14 Pt. VI.</p> <p>9, s. 41 (1), sch. 4.</p> <p>25, s. 73 (8) (b), sch. 14 Pt. VI.</p>
c. 19	Bretton Woods Agreement Act 1945.	S. 2 (1) (4) rep. in pt. ...	30, S.L.R.
c. 27	Bank of England Act 1946.	Sch. 1, para. 1, rep. in pt.	30, S.L.R.
c. 29	Agriculture (Artificial Insemination) Act 1946.	S. 4 (4) rep. ...	30, S.L.R.
c. 30	Trunk Roads Act 1946 ...	<p>Ss. 5 (2), 8 (1)–(4), 10 (1) rep. (London), 11 (1) rep. in pt. (London) (all on 1.4.1965).</p> <p>S. 15 rep. (1.4.1965) ...</p> <p>Sch. 3 rep. in pt. (London) (1.4.1965).</p> <p>Sch. 4 rep. (1.4.1965) ...</p>	<p>33, s. 16 (2), sch. 6 para. 70.</p> <p>33, s. 93 (1), sch. 18 Pt. II.</p> <p>33, s. 16 (2), sch. 6 para. 70.</p> <p>33, s. 93 (1), sch. 18 Pt. II.</p>
c. 31	Ministers of the Crown (Transfer of Functions) Act 1946.	Ss. 3 (3) rep. ...	30, S.L.R.
c. 34	Furnished Houses (Rent Control) Act 1946.	Cont. as amd. until 31.3.1965.	58, s. 1 (2).

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
9 & 10 Geo. 6.— <i>cont.</i>			
c. 36	Statutory Instruments Act 1946.	Appl. Appl. (<i>prosp.</i>) Appl. (E.) (S.) Appl. (temp.) (S.) Ss. 6, 7 appl.	2, s. 55 (4). C.A.M. No. 1, s. 65 (3). 41, s. 80 (6). 51, s. 7 (2). C.A.M. No. 2, s. 3 (10).
c. 37	Straits Settlements (Repeal) Act 1946.	Rep. (<i>prosp.</i>)	35, s. 6 (2), sch. 3.
c. 38	National Service (Release of Conscientious Objectors) Act 1946.	Rep.	30, S.L.R.
c. 40	Miscellaneous Financial Provisions Act 1946.	S. 1 (3) rep. in pt.	30, S.L.R.
c. 41	Public Works Loans Act 1946.	S. 1 (1) rep. in pt., 1 (3) proviso rep.	30, S.L.R.
c. 42	Water (Scotland) Act 1946.	Ss. 57, 68 appl. (mod.)	S.I. No. 949.
c. 45	United Nations Act 1946	S. 1 (2) am. S. 1 (4) rep. in pt.	S.I. No. 2085. 30, S.L.R.
c. 46	Police Act 1946	S. 5 (4) expld. S. 16, sch. 4 rep. (1.4.1965)	46, ss. 7 (4), 8 (5), 10 (5). 33, ss. 76 (1), 93 (1), sch. 18 Pt. II.
c. 49	Acquisition of Land (Authorisation Procedure) Act 1946.	Appl. (E.) S. 1 (1) (a) expld. (London) (1.4.1965). S. 1 (1) (b) rep. in pt. (London) (1.4.1965). S. 3 (2) expld. (London) (1.4.1965). S. 8 (1), so far as defining "local authority", ext. Sch. 1 Pt. III appl. Sch. 2 Pt. I appl. (mod.) Sch. 2 Pt. II appl. (mod.) Sch. 4 rep. so far as amdg. s. 19 of the Development and Road Improvement Funds Act 1909 (c. 47) (1.4.1965). expld. in pt. (London) (1.4.1965).	38, s. 65 (3). 33, s. 83, sch. 17 para. 8. 33, s. 16 (2), sch. 6 para. 70. 33, s. 24 (8) (c). 38, s. 71 (5). 38, s. 67 (2), sch. 8 para. 11. 38, s. 67 (2), sch. 8 para. 12 (2) (3). 38, s. 67 (2), sch. 8 para. 12 (4). 33, s. 16 (2), sch. 6 para. 70.
c. 50	Education Act 1946	Ext. (London) ("local education authority").	33, s. 30 (1).
c. 58	Borrowing (Control and Guarantees) Act 1946.	S. 1 saved (E.) S. 2 (3) rep. in pt.	38, s. 92 (8). 30, S.L.R.
c. 59	Coal Industry Nationalisation Act 1946.	S. 63 (1) rep. in pt. Sch. 1 para. 22 (2) excl.	30, S.L.R. S.I. No. 855.
c. 62	National Insurance (Industrial Injuries) Act 1946.	Ss. 11 (3), 12 (6), 13 (1) am. S. 14 (1) am.	7, s. 4 (2), sch. 3 Pt. II. 7, s. 4 (2), sch. 3 Pt. II.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
9 & 10 Geo. 6: c. 62— <i>cont.</i>	National Insurance (Industrial Injuries) Act 1946— <i>cont.</i>	S. 14 (3) am. Ss. 15 (2), 17 (1), 18 (1) am. S. 19 (3) am. rep. in pt. S. 19 (4) am. S. 20 (2) am. S. 21 (1) am. S. 29 (1) (a) am. Ss. 57, 68 appl. (mod.) ... Sch. 2 Pt. I am. Sch. 3 am.	7, s. 4 (2), sch. 3 Pt. III. 7, s. 4 (2), sch. 3 Pt. II. 7, s. 4 (2), sch. 3 Pt. II. 7, ss. 2 (3), 8 (4), sch. 5. 7, s. 4 (2), sch. 3 Pt. II. 7, s. 4 (2), sch. 3 Pt. II. 7, s. 4 (2), sch. 3 Pts. II, III. 7, s. 4 (2), sch. 3 Pt. III. S.I. No. 949. 7, s. 4 (1), sch. 3 Pt. I. 7, s. 4 (2), sch. 3 Pt. II.
c. 64	Finance Act 1946	Pt. II (ss. 16–22) rep. ... S. 55 rep. S. 56 (4) expld. S. 57 (1) (definition of “unit trust scheme”) expld. rep. in pt.	9, s. 41 (1), sch. 4. 25, s. 73 (8) (b), sch. 14 Pt. IV. 18, s. 2 (3). 25, s. 65 (2). 25, s. 73 (8) (b), sch. 14 Pt. IV.
c. 67	National Insurance Act 1946.	S. 67 (3), schs. 4, 5 rep. ... S. 17 (1) (b) am. rep. in pt. S. 17 (3) restr. am. S. 17 (3) proviso rep. ... S. 20 (5) am. S. 24 (1) am. S. 74 saved Sch. 1 subst. Sch. 2 Pt. I subst. Sch. 2 Pt. II am. Mod. (S.)	9, s. 41 (1), sch. 4. 7, s. 2 (2). 7, ss. 2 (3), 8 (4), sch. 5. 7, s. 2 (1). S.I. No. 946. 7, ss. 2 (1), 8 (4), sch. 5. S.I. No. 946. 7, s. 2 (4). 7, s. 1 (5). 7, s. 1 (1), sch. 1. 7, s. 1 (3), sch. 2. 7, s. 1 (4). 51, s. 17, sch. 2 para. 1 (1).
c. 68	New Towns Act 1946 ...	S. 4 (7) rep. (S.)... .. S. 26 (1) rep. in pt. rep. in pt. (1.4.1965) Sch. 5 rep. so far as relating to para. 8 of sch. 5 of the Town and Country Planning (Scotland) Act 1945 (c. 33).	51, s. 47 (3), sch. 4. 30, S.L.R. 33, s. 93 (1), sch. 18 Pt. II. 51, s. 47 (3), sch. 4.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
& 10 Geo. 6— c. 73 ... <i>cont.</i>	Hill Farming Act 1946 ...	S. 2 (4) am. and s. 2 (4) proviso rep.	11, s. 1.
		S. 13 am.	11, s. 2.
		S. 31 ext.	11, s. 21 (3).
		Sch. 2 Pts. I paras. 5, 6, II paras. 2, 3 am.	11, s. 21 (1)–(3).
c. 80	Atomic Energy Act 1946	S. 15 (3) rep.	30, S.L.R.
c. 81	National Health Service Act 1946.	S. 19 (1) mod. (London)	33, s. 45 (1).
		S. 19 (2) (3) saved (London) (1.4.1965).	33, s. 45 (1).
		S. 20 (2) (c) am. (1.4.1965)	33, s. 45 (6).
		S. 21 (1) (f), (2) rep. in pt. (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.
		S. 22 (5) ext. (London) (1.4.1965).	33, s. 45 (4).
		S. 27 mod. (London) (1.4.1965).	33, s. 45 (3).
		S. 28 (3) ext. (London) (1.4.1965).	33, s. 45 (4).
		S. 55 (1) extd. (London) (1.4.1965).	33, s. 45 (5).
		S. 75 (5) rep.	30, S.L.R.
		S. 79 (1) am. ("local authority") (London) (1.4.1965).	33, s. 45 (6).
		Sch. 4 Pt. I para. 2 (a) rep. in pt. (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.
		Sch. 4 Pt. II para. 2 ext. (London).	33, s. 45 (7).
		Sch. 4 Pt. II para. 6 am.	33, s. 45 (6).
		Sch. 10 rep. in pt. (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.
c. 82	Cable and Wireless Act 1946.	S. 3 (5) rep. in pt. ...	30, S.L.R.
) & 11 Geo. 6.			
c. 9	Malta (Reconstruction) Act 1947.	S. 1 (1) rep. in pt. ...	30, S.L.R.
c. 13	County Councils Association Expenses (Amendment) Act 1947.	Rep.	46, s. 16, sch. 2.
c. 14	Exchange Control Act 1947.	S. 10 saved	25, s. 71 (1).
		Sch. 1 superseded	S.I. No. 1529.
		am.	S.I. Nos. 1964, 2122.
c. 22	Civic Restaurants Act 1947.	S. 1 (1) (a) subst. (1.4.1965).	33, s. 83 (1), sch. 17 para. 9 (a).
		S. 3 (3) rep. in pt. and 3 (4) rep. (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.
		S. 4 (3) am. (1.4.1965) ...	33, s. 83 (1), sch. 17 para. 9 (b).
c. 35	Finance Act 1947 ...	Ss. 52 (1) (2) rep. exc. s. 52 (2) (b) (v).	25, s. 73 (8) (b) sch. 14 Pt. IV.
		Ss. 53 (1)–(3), (5), 54 (1) (2), 55 rep.	25, s. 73 (8) (b), sch. 14 Pt. IV.
		S. 74 (3) rep.	9, s. 41 (1), sch. 4.
		Sch. 8 paras. 1 (1), 2 (1) am.	25, s. 69 (4).
		Sch. 8 Pt. III para. 3 rep.	25, s. 73 (7) (b), sch. 13 Pt. II.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
10 & 11 Geo. 6 —cont.			
c. 39	Statistics of Trade Act 1947.	S. 14 (3) rep. (1.4.1965) ...	33, ss. 83 (1), 93 (1), schs. 17 para. 29 (g), 18 Pt. II.
c. 41	Fire Services Act 1947 ...	Sch. am. Expld. ("county" and "county council") (London) (1.4.1965). S. 8 (4) expld. (E.) ...	S.I. No. 1329. 33, s. 48 (1). 46, ss. 7 (4), 8 (5), 10 (5).
c. 43	Local Government (Scotland) Act 1947.	S. 19 ext. (London) ... S. 52 (1) (b) (c) appl. ... S. 52 (1) proviso paras (i), (ii) saved. S. 109 (1) am. S. 118 expld. S. 119 appl. S. 123 excl. S. 125 expld. S. 177 (2) am. and rep. in pt. S. 181 (2) am. and rep. in pt. S. 199 (3) added ... S. 200 (1) am., 200 (1A) added. S. 240 am. S. 243 rep. in pt. S. 355 (2)–(9) appl. (mod.). S. 355 (3)–(9) appl. (mod.) (prosp.). S. 379 (1) mod. (definition of "occupier").	33, s. 48 (2). S.I. No. 1342. S.I. No. 1342. 21, s. 4 (2). 2, s. 4 (3), sch. 2 para. 1 (2). 31, s. 37 (1). 2, s. 4 (3), sch. 2 para. 1 (6). 21, s. 4 (1). 12, s. 16. 12, s. 16. 12, s. 23 (1). 12, s. 23 (2). 12, s. 17. 12, ss. 18, 27, sch. 3 Pt. I. 31, s. 39 (5). 41, s. 62 (3). 12, s. 18.
c. 48	Agriculture Act 1947 ...	S. 47 (1) am. (1.4.1965) ... S. 61 (3) ext. (Greater London Council) (1.4.1965). Ss. 68, 69 rep. S. 70 rep. (saving) S. 71 (1) rep. in pt. (1.4.1965). S. 71 (8) (c) am. (1.4.1965) S. 75 rep. in pt. S. 78 (1) (a) rep. in pt. ... Ss. 84 (1) rep. in pt., 84 (2)–(6), 87 rep., 105 (2) rep. in pt., sch. 9 paras. 1–6, 22 (1), (3) rep., 23 (1) rep. in pt., 24 rep. in pt., sch. 12 rep.	33, s. 55 (1). 33, s. 55 (3). 11, s. 18 (2), sch. Pt. I. 11, s. 18 (2), sch. Pt. I. 33, s. 93 (1), sch. 18 Pt. II. 33, s. 55 (3). 11, s. 18 (2), sch. Pt. I. 25, s. 73 (7) (c), sch. 13 Pt. IV. 11, s. 18 (2), sch. Pt. I.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
10 & 11 Geo. 6 —cont.			
c. 51	Town and Country Planning Act 1947.	Sch. 8 rep. so far as relating to the Betting and Lotteries Act 1934 (c. 58).	2, s. 57 (1), sch. 8.
c. 53	Town and Country Planning (Scotland) Act 1947.	S. 17 (1) am. S. 18 (1) am. Pt. III mod. S. 42 (5) saved Ss. 47, 51, 53, 54 rep. Ss. 100, 101 appl. S. 112 (2) rep. Sch. 3 expld. Sch. 3 Pt. I para. 1 am. Sch. 3 Pt. II para. 1 am. mod. Sch. 3 Pt. II para. 6 excl. Sch. 7 rep.	17, s. 2 (2). 17, s. 2 (1). 51, s. 17, sch. 2 para. 1 (1). 51, s. 18. 51, s. 47 (3), sch. 4. 51, s. 44. 51, s. 47 (3), sch. 4. 17, s. 2 (5). 17, s. 2 (1). 17, s. 2 (1). 17, s. 2 (3). 17, s. 2 (3). 51, s. 47 (3), sch. 4.
c. 54	Electricity Act 1947 ...	Sch. 8 rep. so far as relating to the Betting and Lotteries Act 1934 (c. 58). S. 47 (7) am. rep. in pt. S. 67 (1) ext. (London) Sch. 4 Pt. I rep. (E.) (<i>prosp.</i>), so far as relating to s. 15 of the Electricity (Supply) Act 1919 (c. 100).	2, s. 57 (1), sch. 8. 59, ss. 1 (3), 2 (2), sch. 1. 59, s. 4 (2), sch. 2. 33, s. 2 (4), sch. 2 para. 31. 38, s. 136 (2), sch. 14 Pt. II.
C.A.M. No. 1 ...	Incumbents (Discipline) Measure, 1947.	Rep. (<i>prosp.</i>)	C.A.M. No. 1, s. 87, sch. 5.
11 & 12 Geo. 6:			
c. 2	Jersey and Guernsey (Financial Provisions) Act 1947.	S. 1 rep. in pt.	30, S.L.R.
c. 9	Finance (No. 2) Act 1947	S. 6 rep.	2, s. 57 (1), sch. 8.
c. 22	Water Act 1948 ...	Sch. 5 rep. Expld. (London)(1.4.1965) Am. (<i>prosp.</i>) ("river board" subst. for "river authority"). Ss. 2 (1) (c) rep. (<i>prosp.</i>), 2 (3) proviso rep. in pt. (<i>prosp.</i>), 2 (5) rep. (<i>prosp.</i>), 5 (1)-(3) rep. (<i>prosp.</i>), 8 (7) rep. (<i>prosp.</i>), 14 (3) rep. (<i>prosp.</i>), 14 (7) (a) rep. in pt. (<i>prosp.</i>).	3, s. 6 (1), sch. 3. 33, s. 40, sch. 11 Pt. I paras. 1, 2. 38, s. 5 (2), sch. 3 para. 4. 38, s. 136 (2), sch. 14 Pt. II.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
11 & 12 Geo. 6 — <i>cont.</i> c. 26	Local Government Act 1948.	<p>S. 10 rep. (1.4.1965) ...</p> <p>S. 14 ext. and am. (London).</p> <p>Ss. 22, 24, 30-32 contd.</p> <p>S. 33 (1) rep. in pt. (1.4.1965).</p> <p>S. 45 mod. (London) (1.4.1965).</p> <p>Ss. 54 rep., 55 (1) rep. in pt. (1.4.1965).</p> <p>S. 59 (1) rep.</p> <p>Ss. 61 (2) (a) rep., 63 (1) rep. in pt., 65 rep. (all on 1.4.1965).</p> <p>S. 69 expld. (London) (1.4.1965).</p> <p>S. 101 restr.</p> <p>S. 109 am. (S.)</p> <p>Pt. VI and s. 111 (1) (g) ext. (London).</p> <p>S. 113 appl.</p> <p>S. 114(2) rep. (E.) ...</p> <p>S. 114 (3) rep. in pt. (E.)</p> <p>am. (E.) ...</p> <p>S. 115 para. (c) am. (E.)</p> <p>S. 120 (1) (2) rep., 120 (3) rep. in pt., 120 (4) rep., 121 (4) rep. in pt., 123 rep. (all on 1.4.1965).</p> <p>S. 129 para. (b) am. (E.)</p> <p>Ss. 129, 130 ext. (London)</p> <p>S. 131 (5) rep. (1.4.1965)</p> <p>S. 132 expld. (London) (1.4.1965).</p> <p>restr.</p> <p>Ss. 134, 135 expld. (London).</p> <p>S. 136 ext. (London) ...</p> <p>rep. in pt. ...</p> <p>am.</p> <p>S. 141 (1) (b) rep. in pt. (1.4.1965).</p> <p>S. 144 (1) am. (1.4.1965)</p> <p>rep. in pt. (1.4.1965).</p> <p>S. 144 (3) (4) ext. (London) (1.4.1965).</p>	<p>33, s. 93 (1), sch. 18 Pt. II</p> <p>33, s. 66 (3).</p> <p>12, s. 1.</p> <p>33, s. 93 (1), sch. 18 Pt. II</p> <p>33, 63 (2), sch. 15 para. 19.</p> <p>33, s. 93 (1), sch. 18 Pt. II.</p> <p>25, s. 73 (7) (c), sch. 13 Pt. IV</p> <p>33, s. 93 (1), sch. 18 Pt. II.</p> <p>33, s. 63 (2), sch. 15 para. 20.</p> <p>12, s. 21 (2).</p> <p>12, s. 11.</p> <p>33, s. 2 (4), sch. 2 para. 31.</p> <p>38, s. 6 (6), sch. 4 para. 26 (2).</p> <p>46, ss. 1 (4), 16, sch. 2.</p> <p>46, ss. 1 (4), 16, sch. 2.</p> <p>46, s. 1 (4).</p> <p>46, s. 1 (4).</p> <p>33, s. 93 (1), sch. 18 Pt. II.</p> <p>46, s. 3.</p> <p>33, s. 2 (4), sch. 2 para. 31.</p> <p>33, s. 93 (1), sch. 18 Pt. II.</p> <p>33, s. 57 (1).</p> <p>2, s. 39.</p> <p>33, s. 71 (1).</p> <p>33, s. 2 (4), sch. 2 para. 31.</p> <p>46, ss. 2, 16, sch. 2.</p> <p>46, s. 2.</p> <p>33, s. 93 (1), sch. 18 Pt. II.</p> <p>33, s. 63 (2), sch. 15 para. 21.</p> <p>33, s. 93 (1), sch. 18 Pt. II.</p> <p>33, s. 70, sch. 16 para. 7.</p>

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
<p>1 & 12 Geo. 6 —cont. c. 29</p>	<p>National Assistance Act 1948.</p>	<p>Ss. 26 (6), 30 (2), 31 (3) ext. (1.4.1965). S. 34 ext. (mod.) (London) (1.4.1965). S. 34 (3) (a) rep. in pt. (1.4.1965). S. 38 (5) rep. in pt. (1.4.1965). S. 41 (4) rep. S. 47 (12) ext. (London) (1.4.1965). rep. in pt. (1.4.1965). S. 50 (2) ext. (London) (1.4.1965). rep. in pt. (1.4.1965). S. 59 excl. (London) (1.4.1965). S. 64 expld. ("local authority") (London) (1.4.1965). S. 64 (1) rep. in pt. (1.4.1965), sch. 3 para. 11 (a) rep. in pt. (1.4.1965).</p>	<p>33, s. 46 (3). 33, s. 46 (7). 33, s. 93 (1), sch. 18 Pt. II. 33, s. 93 (1), sch. 18 Pt. II. 9, s. 41 (1), sch. 4. 33, s. 46 (4). 33, s. 93 (1), sch. 18 Pt. II. 33, s. 46 (4). 33, s. 93 (1), sch. 18 Pt. II. 33, s. 46 (5). 33, s. 46 (1) (a), (2), (8). 33, s. 93 (1), sch. 18 Pt. II.</p>
<p>c. 30</p>	<p>Lord High Commissioner (Church of Scotland) Act 1948.</p>	<p>S. 1 rep. in pt.</p>	<p>30, S.L.R.</p>
<p>c. 32</p>	<p>River Boards Act 1948 ...</p>	<p>Rep. (<i>prosp.</i>) Expld. ("county boroughs") (London). S. 9 (5) expld. (London) (1.4.1965). S. 11 (4) expld.</p>	<p>38, s. 136 (2) (3), sch. 14 Pt. I. 33, s. 62 (2), sch. 14 para. 9 (a). 33, s. 62 (2), sch. 14 para. 9 (b). 46, ss. 8 (5), 10 (5). 38, s. 96 (3).</p>
<p>c. 33</p>	<p>Superannuation (Miscellaneous Provisions) Act 1948.</p>	<p>Expld. (E.)</p>	<p>38, s. 96 (3).</p>
<p>c. 38</p>	<p>Companies Act 1948 ...</p>	<p>S. 31 expld. S. 75 expld. S. 79 (1) expld. S. 127 excl. S. 129 expld. Ss. 147-163. Power to appl. (mod.). S. 148 (mod.) Ss. 161 (1) (2), 176, 190 (1) expld. Pt. V (ss. 211-365) appl. Ss. 222, 224 (1) proviso expld. S. 362 (4) am. S. 399 (2) mod. Ss. 432 (1) (a) rep. in pt., 459 (9) (a), (e), rep. Sch. 9 appl. (mod.)</p>	<p>16, s. 4. 18, s. 2 (3). 18, s. 2 (2). 16, s. 13 (7). 16, s. 4. 16, s. 13 (4). 2, s. 4 (3), sch. 2 para. 24. 16, s. 4. 16, s. 16 (1). 16, s. 4. S.I. No. 552. 16, s. 16 (6). 30, S.L.R. 2, s. 4 (3), sch. 2 para. 24.</p>

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
11 & 12 Geo. 6 —cont.			
c. 40	Education (Miscellaneous Provisions) Act 1948.	Ext. (London) ("local education authority"). S. 6 (2)-(4) ext. (London) S. 10 (2) rep. in pt. (1.4.1965).	33, s. 30 (1). 33, s. 33 (2). 33, s. 93 (1) sch. 18 Pt. II.
c. 43	Children Act 1948 ...	Expld. (London) (local authorities) (1.4.1965). S. 2 mod. (<i>prosp.</i>) ... S. 2 (1) (b) expld. ... am. ... S. 2 (3) am. ... S. 3 (8) subst. ... S. 6 (4) am. ... S. 10 (1) rep. in pt. ... S. 20 (1) am. ... S. 20 (2) am. ... S. 24 excl. (<i>prosp.</i>) ... S. 38 (1) (2) am. ... S. 39 (1) (h) added ... S. 30 (2) restr. ... S. 43 (1) am. ... S. 44 (1) am. ... S. 49 (2) (3) excl. (London) (1.4.1965). S. 51 (3) expld. ...	33, s. 47 (1), (3). 37, s. 50. 37, s. 48 (1). 37, s. 48 (2). 37, s. 48 (2). 37, ss. 49, 64 (1), sch. 3 para. 38. 39, s. 52 (1), (3), sch. 5. 37, s. 64 (1), (3), schs. 3 para 39, 5. 37, s. 46 (1). 37, s. 46 (2). 37, s. 13. 37, s. 64 (1), sch. 3 para. 40. 37, s. 64 (1), sch. 3 para. 41. 37, s. 56 (2). 37, s. 64 (1), sch. 3 para. 42. 37, s. 64 (1), sch. 3 para. 43. 33, s. 47 (2). 37, s. 59 (2). 54, s. 4 (4), sch. 2 para. 8.
c. 44	Merchant Shipping Act 1948.	S. 6 (2) proviso am. ...	55, s. 1 (2), sch. 1 para. 8 (2).
c. 46	Employment and Training Act 1948.	S. 10 expld. (London) ... S. 12 (1) ext. (London) ... S. 12 (2) mod. (London) S. 20 (2) rep. in pt. ... Sch. 1 para. 1 (b) am. ...	33, s. 34 (1). 33, s. 34 (3). 33, s. 34 (1). 30, S.L.R. 33, s. 34 (5).
c. 49	Finance Act 1948 ...	Ss. 14, 15 rep. ... Pt. II (ss. 21-24), s. 82 (3) rep. (with saving for s. 24). Sch. 6 rep. ...	3, s. 6 (1), sch. 3. 9, s. 41, schs. 4, 5. 2, s. 57 (1), sch. 8. 3, s. 6 (1), sch. 3. 30, S.L.R.
c. 52	Veterinary Surgeons Act 1948.	Ss. 6 (5), (7), (8), 8 (1), 9 (1), 11, 13 rep., 18 (1) (4) rep. in pt., 29 rep., 31 (3) rep. in pt.	
c. 53	Nurseries and Child-Minders Regulation Act 1948.	S. 6 (5) rep. in pt. (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.
c. 56	British Nationality Act 1948.	S. 1 (3) am. ... am. (<i>prosp.</i>) ... S. 6 (2) excl. ...	35, s. 2 (1). 54, s. 2 (1). 55, s. 2 (1). 54, s. 2 (3). 55, s. 2 (3).

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
. 56 —cont.	British Nationality Act —cont.	Pt. III (ss. 23–34) am. ... appl. { S. 32 (1) rep. in pt. ...	35, s. 2 (4). 54, s. 2 (4). 55, s. 2 (4). 55, s. 6 (3), sch. 3
. 58 ...	Criminal Justice Act 1948	S. 19 (1) in rep. pt. (<i>prosp.</i>) S. 27 (1) proviso am. (<i>prosp.</i>) S. 27 (5A) am. (<i>prosp.</i>)... S. 27 (5C) added (<i>prosp.</i>) S. 48 expld. (London) (1.4.1965). S. 48 (2) rep. in pt. (<i>prosp.</i>) S. 49 expld. (London) (1.4.1965). S. 72 ext. (<i>prosp.</i>) ... S. 74 rep. (<i>prosp.</i>) ... S. 75 am. (<i>prosp.</i>) ... S. 80 (1) expld. ("remand home") (London) (1.4.1965). Sch. 9 rep. (<i>prosp.</i>) so far as amdg. s. 4 of the Children and Young Persons Act 1938 (c. 40).	37, s. 64 (3), sch. 5. 37, s. 24 (1) (2). 37, s. 24 (1) (2). 37, s. 24 (3). 33, s. 47 (1), (3). 37, s. 64 (3), sch. 5. 33, s. 47 (1), (3). 37, s. 11 (2), (4). 37, s. 64 (3), sch. 5. 37, s. 64 (1), sch. 3 para. 44. 33, s. 47 (1). 37, s. 64 (3), sch. 5.
. 60 ...	Development of Inventions Act 1948.	S. 11 (1) rep. in pt. ...	30, S.L.R.
. 63 ...	Agricultural Holdings Act 1948.	S. 24 (2) (<i>d</i>) rep. in pt. (<i>prosp.</i>) and ext. (<i>prosp.</i>). Ss. 34 (4) rep. in pt., 60 proviso rep. in pt.	11, s. 19. 11, s. 18 (2), sch. Pt. I.
. 65 ...	Representation of the People Act 1948.	Sch. 6. paras. 6, 13 am.... Appl. (mod.) ... Ss. 59 rep., 75 (1) (<i>a</i>), 77 (1) rep. in pt. Sch. 6 para. 2 rep. in pt. (1.4.1965). Sch. 6 para. 2 (2) (<i>b</i>) mod. (London).	11, s. 20. 33, s. 8 (1), sch. 3. 33, s. 93 (1), sch. 18 Pt. I. 33, s. 93 (1), sch. 18 Pt. II. 33, s. 8 (1), sch. 3 Pt. I para. 8.
. 67 ...	Gas Act 1948 ...	S. 42 (2) (<i>aa</i>), (2A) added S. 42 (3) am. ... S. 44 (3) rep. in pt. ... S. 44 (4) added ... S. 46 (1) (<i>a</i>), (2) am. ... S. 48 (2) rep. ... S. 71 (3) restr. ... S. 74 ext. (London) ...	59, s. 2 (2), sch. 1. 59, ss. 1 (4), 2 (2), sch. 1. 59, s. 4 (2), sch. 2. 59, s. 2 (2), sch. 1. 59, s. 2 (2), sch. 1. 59, s. 4 (2), sch. 2. 59, s. 1 (6). 33, s. 2 (4), sch. 2 para. 31.
13 & 14 Geo. 6: . 10 ...	Administration of Justice (Scotland) Act 1948.	S. 1 (1) am. ...	39, s. 49.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
12, 13 & 14 Geo. 6 —cont.			
c. 14	Export Guarantees Act 1949.	S. 9 (2) rep. in pt. ...	30, S.L.R.
c. 20	Cinematograph Film Production (Special Loans) Act 1949.	Ss. 7 (1), 8 (1), rep. in pt.	30, S.L.R.
c. 23	Social Services (Northern Ireland Agreement) Act 1949.	S. 1 (2) rep. in pt. ...	30, S.L.R.
c. 25	Tenancy of Shops (Scotland) Act 1949.	Cont. until 31.12.1964 ...	58, s. 1 (1).
c. 26	Public Works (Festival of Britain) Act 1949.	S. 5 (3) rep. in pt. (1.4.1965), sch. 3 para. 10 (1) rep. in pt. and 10 (2) rep. (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.
c. 31	Legal Aid and Advice Act 1949.	Pt. II. Apptd. day for s. 18 (2), (4)–(6) (1.4.1963).	S.I. No. 432.
c. 32	Special Roads Act 1949...	S. 22 (2) rep. (1.4.1965)...	33, s. 93 (1), sch. 18 Pt. II.
c. 36	War Damage (Public Utility Undertakings, &c.) Act 1949.	S. 28 (2) (b) subst. ...	25, s. 73 (7) (a), sch. 12 para. 1.
c. 39	Commonwealth Telegraphs Act 1949.	Sch. 1 Pt. I para. 12 (1) am. (<i>retrosp.</i>)	S.I. No. 452.
c. 42	Lands Tribunal Act 1949	S. 1 (3) (b) rep. in pt. (S.), 1 (4) rep. in pt. (S.). S. 1 (6) am. (S.)... .. Ss. 1 (7), 3 (7), 5 rep. (S.), 7 (1) rep. in pt. (S.), sch. 1 rep. (S.).	51, s. 47 (3), sch. 4. 51, s. 46. 51, s. 47 (3), sch. 4.
c. 47	Finance Act 1949 ...	Ss. 37, 38 rep. S. 41 rep. Ss. 42 (1)–(3), (5) rep., 43 rep. (saving), 44 (2) (a), 45 (3) rep. Sch. 7 am.	25, s. 73 (8) (b), sch. 14 Pt. VI. 25, s. 73 (8) (b), sch. 14 Pt. V. 25, s. 73 (8) (b), sch. 14 Pt. VI. 25, s. 52.
c. 50	Colonial Loans Act 1949	S. 1 (4) rep. in pt. ...	30, S.L.R.
c. 55	Prevention of Damage by Pests Act 1949.	S. 1 (1) am. (1.4.1965) ... S. 24 rep. (1.4.1965) ...	33, s. 83 (1), sch. 17 para. 10. 33, s. 93 (1), sch. 18 Pt. II.
c. 63	Legal Aid (Scotland) Act 1949.	Ss. 1 (6) rep. in pt., 1 (6A) added, 2 (1) am., 2 (1A) (1B) (1C) added, 2 (2) subst., 2 (3) (c) am., 6 (3) proviso (a) subst., 15 (1) am.	39, s. 48, sch. 4.
c. 66	House of Commons (Redistribution of Seats) Act 1949.	S. 3 (2) rep. in pt., sch. 2 para. 4 (2) rep. in pt. (1.4.1965).	33, s. 93 (1), sch. 18.
c. 67	Civil Aviation Act 1949...	S. 21 rep. (1.4.1965) ...	33, s. 93 (1), sch. 18 Pt. II.
c. 68	Representation of the People Act 1949.	Appl. (mod.) (London)... Pt. I appl. (London) ... S. 5 (3) (b) rep.	33, s. 8 (1), sch. 3. 33, s. 2 (4), sch. 2 para. 2. 25, s. 73 (7) (c), sch. 13 Pt. IV.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
12, 13 & 14 Geo. 6: c. 68— <i>cont.</i>	Representation of the People Act 1949— <i>cont.</i>	S. 5 (5) (b) rep. in pt. ...	33, ss. 8 (1), 93 (1), schs. 3 para. 25, 18 Pt. I.
		S. 11 (2) (e) rep. ...	33, s. 93 (1), sch. 18 Pt. I.
		S. 20 (4) rep. in pt. ...	30, S.L.R.
		S. 22 (1) rep. in pt. ...	33, ss. 8 (1), 93 (1), schs. 3 para. 27 (1), 18 Pt. I.
		S. 22 (2) rep. ...	33, ss. 8 (1), 93 (1), schs. 3 para. 13, 18 Pt. I.
		S. 26 (4) rep. in pt. ...	33, ss. 8 (1), 93 (1), schs. 3 para. 13, 18 Pt. I.
		S. 27 (6) rep. in pt. ...	33, ss. 8 (1), 93 (1), schs. 3 para. 13, 18 Pt. I.
		Ss. 28 rep., 29 (2) rep. in pt.	33, ss. 8 (1), 93 (1), schs. 3 para. 13, 18 Pt. I.
		Ss. 35 (3) rep., 36 (2) rep. in pt.	33, s. 93 (1), sch. 18 Pt. I.
		S. 41 (4) (a) rep. in pt. (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.
		S. 41 (5) rep. in pt. (1.4.1965).	33, ss. 8 (1), 93 (1), schs. 3 para. 30, 18 Pt. II.
		S. 83 (1) (a) rep. in pt. ...	33, s. 93 (1), sch. 18 Pt. I.
		S. 102 (10) rep. in pt. (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.
		S. 110 (3) (b) subst. ...	33, s. 8 (1), sch. 3 para. 31.
		S. 116 (2) rep. in pt. (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.
		S. 172 (1) am. ...	33, s. 8 (1), sch. 3 para. 33 (1).
		S. 172 (1) rep. in pt. (1.4.1965).	33, ss. 8 (1), schs. 3 para. 33 (1), 18 Pt. II.
		S. 172 (3) am. ...	33, s. 8 (1), sch. 3 para. 33 (2).
		Sch. 2, local election rules:—	
		Rules 3 (3) rep., 4 (1) (b), (2) rep. in pt.	33, ss. 8 (1), 93 (1), schs. 3 para. 34, 18 Pt. I.
Rule 4 (3) subst., 4 (4) am.	33, s. 8 (1), sch. 3 para. 34.		
Rules 6 (1) (3) (4), 8 (2) (3), 13 (4) (5) all rep. in pt.	33, s. 93 (1), sch. 18 Pt. I.		

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
12, 13 & 14 Geo. 6: c. 68— <i>cont.</i>	Representation of the People Act 1949— <i>cont.</i>	Sch. 2— <i>cont.</i> Rules 26 (2) (3) rep., 31 (b) (ii) rep. in pt., 41 (b) rep. Rule 47 (b) subst. ... Rule 47 rep. in pt. ... Sch. 7 para. 3 (1) rep. in pt. (1.4.1965). Sch. 8 para. 5 (1) rep. in pt. Sch. 8 para. 6 rep. (1.4.1965).	33, s. 93 (1), sch. 18 Pt. I. 33, s. 8 (1), sch. 3 para. 34. 33, s. 93 (1), sch. 18 Pt. I. 33, ss. 8 (1), 93 (1), schs. 3 para. 35, 18 Pt. II. 33, s. 93 (1), sch. 18 Pt. I. 33, s. 93 (1), sch. 18 Pt. II.
c. 74 ...	Coast Protection Act 1949.	S. 49 (1) rep. (<i>prosp.</i>) so far as defining "river board".	38, s. 136 (2), sch. 14 Pt. I.
c. 75 ...	Agricultural Holdings (Scotland) Act 1949.	Sch. 6 para. 5 am. ...	11, s. 20.
c. 77 ...	Armed Forces (Housing Loans) Act 1949.	S. 1 (1) rep. in pt. ...	30, S.L.R.
c. 84 ...	War Damaged Sites Act 1949.	S. 6 (2) rep. in pt. (1.4.1965). S. 8 (1) rep. in pt. (S.), 8 (2) rep. S. 18 (2) rep. (1.4.1965) ...	33, s. 93 (1), sch. 18 Pt. II. 51, s. 47 (3), sch. 4. 33, s. 93 (1), sch. 18 Pt. II.
c. 86 ...	Electoral Registers Act 1949.	Appl. (mod.) (London)...	33, s. 8 (1), sch. 3 Pts. I, II.
c. 90 ...	Election Commissioners Act 1949.	Appl. (mod.) (London)...	33, s. 8 (1), sch. 3 Pts. I, II.
c. 91 ...	Air Corporations Act 1949.	S. 13 (2) rep. in pt. ... S. 10 (2) rep. in pt. ...	30, S.L.R. 30, S.L.R.
c. 94 ...	Criminal Justice (Scotland) Act 1949.	S. 9 (1) am. ... S. 9 (5) rep. in pt. (saving) S. 18 (1) excl. ... S. 18 (2)—(5) rep. (saving) (<i>prosp.</i>). S. 19 rep. (saving) ... S. 20 (1) am. ... S. 21 (2) (a) am. ... S. 22 rep. (saving) ... S. 39 (1) (b) (d) rep. in pt. (saving). S. 39 (1) (ee) added ... S. 70 ext. ... S. 70 (2) am. ... rep. in pt. (saving). S. 72 (1) am. ...	39, s. 52 (1), (3), sch. 5. 39, s. 52 (2) (3), sch. 6. 39, s. 51 (5). 39, s. 52 (2) (3), sch. 6. 39, ss. 7 (4), 52 (2) (3), sch. 6. 39, ss. 3, 52 (1) (3), sch. 5. 39, s. 32 (1), (3), sch. 5. 39, ss. 33, 52 (2) (3), sch. 6. 39, ss. 30 (1), 52 (2) (3), sch. 6. 39, s. 36. 39, s. 20 (2). 39, s. 52 (1), (3), sch. 5. 39, s. 52 (2) (3), sch. 6. 37, s. 64 (1), sch. 3 para. 45.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
12, 13 & 14 Geo. 6: c. 94— <i>cont.</i>	Criminal Justice (Scotland) Act 1949— <i>cont.</i>	S. 78 (4) am. Sch. 7 rep. in pt. (saving)	39, s. 52 (1), (3), sch. 5. 39, ss. 30 (1), 52 (2) (3), sch. 6.
c. 97	National Parks and Access to the Countryside Act 1949.	Ss. 27–34 expld. (London) S. 35 (1) rep. in pt. (1.4.1965). S. 35 (2)–(5) ext. (London) (1.4.1965). S. 35 (2)–(5) rep. in pt. (1.4.1965). Ss. 39–50 rep. (London) (1.4.1965). Ss. 56, 58 rep. (London) (1.4.1965). Pt. V (ss. 59–83) excl. in pt. (London) (1.4.1965). Ss. 64–82 expld. (London) (1.4.1965). S. 89 am. (London) (1.4.1965). S. 89 (2) subst. by s. 89 (2) (2A). S. 89 (3) am. S. 89 (4) am. S. 89 (5) (6) am. S. 89 (7) added S. 90 excl. and am. (London) (1.4.1965). S. 99 am. (London) (1.4.1965). S. 101 (6) (a) rep. in pt. (London) (1.4.1965). S. 102 am. (1.4.1965) S. 103 restr. S. 103 (3) rep. (S.) S. 104 (4), (10) (11) rep. in pt. (1.4.1965). Ss. 107 (1) rep. in pt. (London), 108 (1) (b) rep. (London) (1.4.1965). S. 114 (1) rep. (<i>prosp.</i>) so far as defining “river board”. Sch. 1 Pt. I rep. in pt. (London) (1.4.1965). S. 4 (8) rep. in pt. (1.4.1965). S. 11 (5)–(8) rep. (<i>prosp.</i>) S. 14 (1) am. (<i>prosp.</i>) S. 15 (5) rep. in pt. (<i>prosp.</i>) S. 28 (2) rep. in pt. (1.4.1965).	33, s. 60. 33, s. 93 (1), sch. 18 Pt. I. 33, s. 60 (2) (3). 33, s. 93 (1), sch. 18 Pt. II. 33, s. 16 (2), sch. 6 para. 70. 33, s. 16 (2), sch. 6 para. 70. 33, s. 60 (5). 33, s. 60 (5). 33, s. 60 (6). 29, s. 6 (1). 29, s. 6 (1). 29, s. 6 (1) (2). 29, s. 6 (1). 29, s. 6 (4). 33, s. 60 (5). 33, ss. 16 (2), 60 (5) (6), sch. 6 para. 70. 33, s. 16 (2), sch. 6 para. 70. 33, s. 60 (6). 29, s. 6 (3). 51, s. 47 (3), sch. 4. 33, s. 93 (1), sch. 18 Pt. II. 33, s. 16 (2), sch. 6 para. 70. 38, s. 136 (2), sch. 14 Pt. I. 33, s. 16 (2), sch. 6 para. 70. 33, s. 93 (1), sch. 18 Pt. II. 37, s. 64 (3), sch. 5. 37, s. 64 (1), sch. 3 para. 46. 37, s. 64 (3), sch. 5. 33, s. 93 (1), sch. 18 Pt. II.
c. 101	Justices of the Peace Act 1949.	S. 4 (8) rep. in pt. (1.4.1965). S. 11 (5)–(8) rep. (<i>prosp.</i>) S. 14 (1) am. (<i>prosp.</i>) S. 15 (5) rep. in pt. (<i>prosp.</i>) S. 28 (2) rep. in pt. (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II. 37, s. 64 (3), sch. 5. 37, s. 64 (1), sch. 3 para. 46. 37, s. 64 (3), sch. 5. 33, s. 93 (1), sch. 18 Pt. II.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
12, 13 & 14 Geo. 6 —cont. c. 102 ...	Festival of Britain (Supplementary Provisions) Act 1949.	S. 7 (4) rep. (1.4.1965) ...	33, s. 93 (1) sch. 18 Pt. II.
C.A.M. No. 1	Church Dignitaries (Retirement) Measure, 1949.	Pt. II (ss. 4–11) rep. (<i>prosp.</i>), 13 rep. in pt. (<i>prosp.</i>), 14 rep. in pt. (<i>prosp.</i>), 18 rep. in pt. (<i>prosp.</i>).	C.A.M. No. 1, s. 87, sch. 5.
14 Geo. 6: c. 15 ...	Finance Act 1950 ...	S. 17 rep. ... Ss. 18, 19 rep. ... Ss. 37, 38 rep. ...	3, s. 6 (1), sch. 3. 9, s. 41 (1), sch. 4. 25, s. 73 (8) (b), sch. 14 Pt. IV.
c. 20 ...	Colonial and Other Territories (Divorce Jurisdiction) Act 1950.	S. 50 (2) (c), sch. 5 rep. ... Restr. ...	9, s. 41 (1), sch. 4. 54, s. 7 (1), (4).
c. 21 ...	Miscellaneous Financial Provisions Act 1950.	S. 2 (1), (4), rep. in pt. ...	30, S.L.R.
c. 22 ...	London Government Act 1950.	Rep. (1.4.1965) ...	33, s. 93 (1), sch. 18 Pt. II.
c. 25 ...	Matrimonial Causes Act 1950.	S. 1 (1) (b) expld. ... S. 4 expld. ... S. 4 (1) saved ... S. 4 (2) (c) rep. ... S. 4 (2) proviso am. ... S. 10 saved ... Ss. 19, 20 ext. ...	45, s. 2 (2). 45, s. 2 (1). 45, s. 4 (2). 45, s. 4 (1) (a). 45, s. 4 (1) (b). 45, s. 4 (2). 45, s. 5 (1).
c. 27 ...	Arbitration Act 1950 ...	Power to appl. (mod.) ...	14, s. 1 (5) (c).
c. 28 ...	Shops Act 1950 ...	Ss. 37–39 rep. (<i>prosp.</i>), 45 rep. in pt. (<i>prosp.</i>). S. 54 restr. (London) (1.4.1965). S. 54 (2)–(4) expld. (London) (1.4.1965). S. 69 (1) rep. in pt. (<i>prosp.</i>). S. 72 (2) am. (<i>temp.</i>) (London). rep. (<i>prosp.</i>) ... S. 72 (3) rep. (<i>prosp.</i>) ... S. 72 (4) (b) rep. (<i>prosp.</i>) ... S. 73 (2) rep. in pt. (1.4.1965). S. 74 (1) rep. in pt. (<i>prosp.</i>) rep. in pt. (1.4.1965). am. (<i>temp.</i>) ... S. 75 rep. in pt. (<i>prosp.</i>)	41, s. 91 (4), sch. 2. 33, s. 51 (3). 33, s. 50 (3). 41, s. 91 (4), sch. 2. 33, s. 51 (4) (a). 41, s. 91 (4), sch. 2. 41, s. 91 (4), sch. 2. 41, s. 91 (4), sch. 2. 33, s. 93 (a), sch. 18 Pt. II. 51, s. 91 (4), sch. 2. 33, s. 93 (1), sch. 18 Pt. II. 33, s. 51 (4) (b). 41, s. 91 (4), sch. 2.
c. 34 ...	Housing (Scotland) Act 1950.	Ss. 12 (2), 17 (4), 36 (2), 40 mod. S. 94 (2) rep. in pt. S. 172 am. ... Sch. 4 para. 5 mod. ...	51, s. 17, sch. 2 30, S.L.R. 51, s. 17, sch. 2 para 1 (2). 51, s. 15 (1).

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14 Geo. 6—cont. c. 36	Diseases of Animals Act 1950.	S. 3 ext. (E. and W.) ... ext. (S.) Ss. 13–19 ext. S. 20 para. (x) am. Ss. 34, 36(2), 37(6), 41(4), 49(3) rep. S. 59(2) am. (1.4.1965)... rep. in pt. (1.4. 1965). S. 60(3) rep. (1.4.1965) S. 61(2) rep. in pt. (31.7. 1965). S. 69 rep. in pt. (1.4.1965) S. 76 rep. in pt.	S.I. No. 1901. S.I. No. 1239. 11, s. 13. 11, s. 14. 11, s. 28, sch. Pt. II. 33, s. 54(4), sch. 13 para 1 (a), (c). 33, ss. 54(4), 93 (1), schs. 13 para. 1 (b), 18 Pt. II. 33, s. 93(1), sch. 18 Pt. II. 31, s. 63(1) (b), sch. 9 Pt. II. 33, s. 93(1), sch. 18 Pt. II. 11, ss. 16(1), 28, sch. Pt. II. 37, s. 30(3).
c. 37	Maintenance Orders Act 1950.	Expld. (<i>prosp.</i>)	37, s. 30(3).
c. 39	Public Utilities Steel Works Act 1950.	S. 21(1) ext. (London) (1.4.1965). S. 21(1) (a) am. (London) (1.4.1965). Ss. 23(6), 27(2)(3), 28 rep. (London) (1.4.1965). S. 35(2) am. (1.4.1965)... S. 39(1) am. (London) (1.4.1965). Sch. 7 para. 1 (b) am. (1.4.1965). Sch. 7 paras. 2–4 rep. (1.4.1965). Sch. 7 para. 5 am. (1.4. 1965). rep. in pt. (1.4.1965)... Sch. 7 para. 6 am. (1.4. 1965). Sch. 7 para. 7(1) rep. in pt. (1.4.1965). Sch. 7 para. 9 rep. (1.4. 1965).	33, s. 19(2). See c. 33, s. 93(1), sch. 18 Pt. II [1959. c. 25. s. 155(8).] 33, s. 16(2), sch. 6 para. 70. 33, s. 19(3). See c. 33, s. 93(1), sch. 18 Pt. II [1959. c. 25. sch. 22]. 33, s. 19(4). 33, s. 93(1), sch. 18 Pt. II. 33, s. 19(5). 33, s. 93(1), sch. 18 Pt. II. 33, s. 19(6). 33, s. 93(1), sch. 18 Pt. II. 33, s. 93(1), sch. 18 Pt. II.
C.A.M. No. 1	Incumbents (Discipline) Measure, 1947 (Amendment) Measure, 1950.	Rep. (<i>prosp.</i>)	C.A.M. No. 1, s. 87, sch. 5.
14 & 15 Geo. 6: c. 11	Administration of Justice (Pensions) Act 1950.	S. 25(1) rep. in pt., sch. 3 para. 9 rep. in pt.	30, S.L.R.
c. 18	Livestock Rearing Act 1951.	Ss. 3, 6 rep. S. 4(1) am. (London) (1.4.1965).	11, s. 28, sch. 33, s. 16(2), sch. 6 para. 70 Pt. II.

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14 & 15 Geo. 6 —cont.			
c. 27 ...	Fire Services Act 1951 ...	Expld. (London) (1.4.1965).	33, s. 48 (1).
c. 39 ...	Common Informers Act 1951.	Sch. rep. in pt. ...	25, s. 73 (8) (b), sch. 14 Pt. VI. C.A.M. No. 1, s. 87, sch. 5.
c. 43 ...	Finance Act 1951 ...	S. 4 mod. ... S. 4 (1) a.m. ... S. 4 (1) (a) rep., 4 (1) (b) rep. in pt.	25, s. 3. 25, s. 4 (1) (b). 25, ss. 4 (1) (a), 73 (8) (a), sch. 14 Pt. I.
c. 48 ...	Dangerous Drugs Act 1951.	S. 33 (2)–(4) ext. (mod.)... Pt. III ext. ...	25, s. 54. S.I. Nos. 885, 1040.
c. 53 ...	Midwives Act 1951 ...	S. 15 (4) rep. ... S. 11 (3) rep. (1.4.1965)...	30, S.L.R. 33, s. 93 (1), sch. 18 Pt. II.
c. 58 ...	Fireworks Act 1951 ...	Expld. (London) (1.4.1965).	33, s. 50 (1), (3).
c. 60 ...	Mineral Workings Act 1951.	S. 23 (1) rep. in pt. ...	11, s. 18 (2), sch. Pt. I.
c. 62 ...	Tithe Act 1951 ...	S. 3 (1) rep. in pt. ... S. 8 (1) rep. (prosp.) ... S. 9 rep. ...	25, s. 73 (7) (c), sch. 13 Pt. IV. 14, s. 3 (4), sch. 13 Pt. IV. 25, s. 73 (7) (c), sch. 13 Pt. IV.
c. 63 ...	Rag Flock and Other Filling Materials Act 1951.	Ss. 10 (1) (2), (7) (8), 12 (3) (4), sch. 2 rep. (prosp.) S. 35 am. (defin. of "local authority" subst.)	14, s. 3 (4), sch. 13 Pt. IV. 33, s. 83, sch. 17 para. 11.
c. 64 ...	Rivers (Prevention of Pollution) Act 1951.	S. 1 (1) (b) (iii) rep. (1.4.1965). S. 1 (2) (a) rep. in pt. (prosp.). S. 10 rep. ... S. 11 (1) rep. in pt. (prosp.). S. 11 (5) am. (prosp.) ... Sch. 2 paras. 1–4 rep. (prosp.). Sch. 2 para. 5 (3) subst. (prosp.) by paras 5 (3) (3A), 5 (4) am. (prosp.). Sch. 2 para. 11 (1) am. (prosp.).	33, s. 93 (1), sch. 18 Pt. II. 38, s. 136 (2), sch. 14 Pt. I. 38, s. 136 (2), sch. 14 Pt. I. 38, s. 136 (2), sch. 14 Pt. I. 38, s. 136 (1), sch. 13 para. 5. 38, s. 136 (2), sch. 14 Pt. I. 38, s. 136 (1), sch. 13 para. 6. 38, s. 136 (1), sch. 13 para. 7.
c. 65 ...	Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951.	S. 20 (4) rep. in pt. (prosp.)	38, s. 136 (2), sch. 14 Pt. I.
C.A.M. No. 2	Bishops (Retirement) Measure 1951.	Pt. III (ss. 5–10) rep. (prosp.), ss. 13, 15, 16 (1) (2) all rep. in pt. (prosp.).	C.A.M. No. 1, s. 87, sch. 5.

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4 & 15 Geo. 6 —cont.			
C.A.M. No. 4	Cathedrals (Appointed Commissions) Measure 1951.	Rep.	C.A.M. No. 2, s. 54(1), sch. 2.
C.A.M. No. 5	Benefices (Stabilization of Incomes) Measure 1951.	S. 5 (2) ext.	C.A.M. No. 2, s. 17 (2).
5 & 16 Geo. 6 & 1 Eliz. 2:			
c. 2	Mr. Speaker Clifton Brown's Retirement Act 1951.	Rep.	30, S.L.R.
c. 3	Expiring Laws Continuance Act 1951.	Rep.	30, S.L.R.
c. 4	Pneumoconiosis and Byssinosis Benefit Act 1951.	S. 3 (2) am.	7, s. 5 (3).
c. 10	Income Tax Act 1952 ...	<p>Power to appl.</p> <p>Ss. 1 rep. in pt., 6 (1) rep. in pt., 24 rep., 25 (2) rep. in pt., 33 rep.</p> <p>Ss. 34 (1) (4), 35 am. ...</p> <p>Ss. 41 (1) rep. in pt., 51 (2) rep., 51 (3) rep. in pt., 52 (4) rep. in pt., 53 rep.</p> <p>Ss. 62–64 appl. (mod.) ...</p> <p>S. 64 appl.</p> <p>Ss. 72 (2) (a), 73 (2) rep., 73 (3) rep. in pt.</p> <p>S. 74 (2)–(5). Power to appl (E.)</p> <p>S. 74 (7) rep.</p> <p>S. 76. Power to appl. ...</p> <p>Ss. 80–82 rep. and superseded.</p> <p>S. 83, sch. B para. 1 am.</p> <p>S. 83, sch. B paras. 3–6 rep. and superseded.</p> <p>Ss. 84–89, 91–114, 115 (2)–(4), 116 rep.</p> <p>S. 117, sch. C rep. in pt. and am.</p> <p>S. 122 ext.</p> <p>S. 122, sch. D rep. in pt.</p> <p>S. 123 Case VIII added</p> <p>S. 123 (1), sch. D Case I ext.</p> <p>S. 123 (1), sch. D Case III am.</p>	<p>9, s. 31 (1) (h).</p> <p>25, s. 73 (7) (b), sch. 13 Pt. I.</p> <p>25, s. 73 (7) (a), sch. 12 para. 2.</p> <p>25, s. 73 (7) (b) sch. 13 Pt. I.</p> <p>25, s. 30 (1).</p> <p>25, s. 19 proviso (b).</p> <p>25, s. 73 (7) (b), sch. 13 Pt. I.</p> <p>9, s. 31 (1) (g).</p> <p>25, s. 73 (7) (b), sch. 13 Pt. I.</p> <p>9, s. 31 (1) (g), (6) (b).</p> <p>25, ss. 14, 73 (7) (b), sch. 13 Pt. I.</p> <p>25, s. 28 (1).</p> <p>25, ss. 28, 73 (7) (b), sch. 13 Pt. I.</p> <p>25, s. 73 (7) (b), sch. 13 Pt. I.</p> <p>25, s. 51.</p> <p>25, ss. 15, 20.</p> <p>25, s. 73 (7) (b), sch. 13 Pt. I.</p> <p>25, s. 15 (2).</p> <p>25, s. 26.</p> <p>25, s. 73 (7) (a), sch. 12 para. 3.</p>

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15 & 16 Geo. 6 & 1 Eliz. 2: c. 10— <i>cont.</i>	Income Tax Act 1952— <i>cont.</i>	S. 123 (1), sch. D Case VI ext.	25, ss. 15 (4), 20, 22 (5) (6), 23 (1), 24 (1).
		am.	25, s. 73 (7) (a), sch. 12 para. 3.
		rep in pt.	25, s. 73 (7) (b), sch. 13 Pt. I.
		S. 125 (1) (2) rep. in pt., 125 (5) rep.	25, s. 73 (7) (b), sch. 13 Pt. I.
		S. 130 am.	25, s. 46.
		S. 136 rep. (saving)	25, ss. 29 (1), 73 (7) (b), sch. 13 Pt. I.
		S. 137 para. (c) rep. in pt.	25, s. 73 (7) (b), sch. 13 Pt. I.
		S. 137 para. (n) excl.	25, s. 29 (2).
		S. 153 (1) am.	25, s. 73 (7) (a), sch. 12 para. 4.
		S. 153 (2) rep.	25, s. 73 (7) (b), sch. 13 Pt. I.
		S. 153 (5) am.	25, s. 73 (7) (a), sch. 12 para. 4.
		S. 156, sch. E expld.	25, s. 47 (1) (4).
		S. 161 (1) expld.	25, s. 47 (2).
		S. 162 (3) rep.	25, s. 73 (7) (b), sch. 13 Pt. I.
		S. 162 (4) rep. in pt.	25, s. 73 (7) (b), sch. 13 Pt. I.
		am.	25, s. 73 (7) (a), sch. 12 para. 5 (1) (2).
		S. 162 (5) rep.	25, s. 73 (7) (b), sch. 13 Pt. I.
		S. 169 ext.	25, s. 50.
		S. 169 (4) (5) added	25, s. 73 (7) (a), sch. 12 para. 6.
		S. 170 appl.	25, s. 16 (6).
		ext.	25, c. 50.
		S. 170 (5) added	25, s. 73 (7) (a), sch. 12 para. 7.
		S. 171 (2), 172-179 rep....	25, s. 73 (7) (b), sch. 13 Pt. I.
		S. 176 (1) (g) mod. (<i>temp.</i>)	25, s. 21.
		S. 180 (1) rep. in pt.	25, s. 73 (7) (b), sch. 13 Pt. I.
		am.	25, s. 73 (7) (a), sch. 12 para. 8.
		S. 180 (2) am.	25, s. 73 (7) (a), sch. 12 para. 8.
		S. 180 (3) rep. in pt. (in pt., the definition of "rent").	25, s. 73 (7) (b), sch. 13 Pt. I.
		Ss. 182, 183, 204 (2) rep., 206 (3) rep. in pt.	25, s. 73 (7) (b), sch. 13 Pt. I.
		S. 210 (1) (2) am.	25, s. 12 (1).
		S. 211 (2) (3) am.	25, s. 12 (2).
		S. 212 (1A) am.	25, s. 12 (3).
am. (<i>prosp.</i>)	25, s. 13.		
S. 212 (4) am.	25, s. 12 (3).		
am. (<i>prosp.</i>)	25, s. 13.		

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15 & 16 Geo. 6 & 1 Eliz. 2: c. 10— <i>cont.</i>	Income Tax Act 1952— <i>cont.</i>	<p>S. 216 (1) am.</p> <p>S. 220 (1) am.</p> <p>S. 222 rep. in pt.</p> <p>Ss. 224, 227 appl. (mod.)</p> <p>S. 262 (5) am.</p> <p style="padding-left: 40px;">rep. in pt.</p> <p>S. 262 (8) am.</p> <p style="padding-left: 40px;">rep. in pt.</p> <p>Pt. X (ss. 265–334) ext....</p> <p>S. 265 (6) excl.</p> <p>Ss. 266 (1) (2), 267 (1), 268 (5) am.</p> <p>S. 270 (6) (a) am.</p> <p>S. 270 (6) (b) rep.</p> <p>Pt. X Chapter II (ss. 279– 304) mod.</p> <p>S. 279 (2) excl.</p> <p>S. 281 appl.</p> <p>S. 282 excl.</p> <p>S. 283 (1) (b) am.</p> <p>Ss. 284, 285 excl.</p> <p>S. 286 ext.</p> <p>S. 291 am.</p> <p>Ss. 293, 294 proviso mod.</p> <p>S. 296 (1) mod.</p> <p>S. 307 am.</p> <p>S. 309 (1) excl.</p> <p>S. 313 am.</p> <p style="padding-left: 40px;">rep. in pt.</p> <p>S. 314 (1) rep. in pt., 314 (6) rep.</p> <p>S. 315 am. and rep. in pt. (definitions of “ agricultural income ” and “ forestry income ”) am. (definition of “ estate ”) rep. in pt. (definition of “ unit of assessment ”)</p> <p>S. 323 excl.</p> <p>S. 323 (1) mod.</p> <p>Ss. 325 (2), 326 (1) mod.</p>	<p>25, s. 12 (4).</p> <p>25, s. 12 (5).</p> <p>25, s. 73 (7) (b), sch. 13 Pt. I.</p> <p>25, s. 25, sch. 6 para. 6 (1).</p> <p>25, s. 73 (7) (a), sch. 12 para. 9.</p> <p>25, s. 73 (7) (b), sch. 13 Pt. I.</p> <p>25, s. 73 (7) (a), sch. 12 para. 9.</p> <p>25, s. 73 (7) (b), sch. 13 Pt. I.</p> <p>25, ss. 37 (13), 41 (5), 42 (4).</p> <p>25, s. 42 (2).</p> <p>25, s. 34.</p> <p>25, s. 73 (7) (a), sch. 12 para. 10.</p> <p>25, s. 73 (7) (b), sch. 13 Pt. I.</p> <p>25, ss. 35, 38, 41.</p> <p>25, s. 42 (2).</p> <p>25, s. 41 (3).</p> <p>25, s. 38 (1).</p> <p>25, s. 35 (10).</p> <p>25, s. 38 (1).</p> <p>25, s. 41 (5) (a).</p> <p>25, s. 41 (3) (b).</p> <p>25, s. 41 (5) (b).</p> <p>25, s. 41 (7).</p> <p>25, s. 39 (1).</p> <p>25, s. 42 (2).</p> <p>25, s. 73 (7) (a), sch. 12 para. 11.</p> <p>25, s. 73 (7) (b) sch. 13 Pt. I.</p> <p>25, s. 73 (7) (b), sch. 13 Pt. I.</p> <p>25, s. 73 (7) (a) (b), schs. 12 para. 12, 13 Pt. I.</p> <p>25, s. 73 (7) (a), sch. 12 para. 12.</p> <p>25, s. 73 (7) (b), sch. 13 Pt. I.</p> <p>25, s. 41 (11).</p> <p>25, s. 37 (13).</p> <p>25, s. 37 (13).</p>

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15 & 16 Geo. 6 & 1 Eliz. 2: c. 10— <i>cont.</i>	Income Tax Act 1952— <i>cont.</i>	S. 327 excl. in pt. ...	25, s. 37 (13).
		S. 332 (1) mod. ...	25, s. 41 (6).
		S. 332 (3) appl. ...	25, s. 40 (1).
		mod. ...	25, s. 41 (6).
		Pt. XI ext. ...	25, s. 42 (4).
		S. 336 (1)–(4) am. ...	25, s. 36 (1).
		S. 336 (5) added ...	25, s. 36 (2).
		S. 337 (1) rep. ...	25, s. 36 (3).
		S. 337 (2) subst. ...	25, s. 36 (3).
		S. 345 (2) (f) added ...	25, s. 73 (7) (a), sch. 12 para. 13.
		S. 346 mod. ...	25, s. 25 (4).
		excl. ...	25, s. 31 (3), sch. 4 para. 12.
		S. 346 (3) saved ...	25, s. 31 (3), sch. 4 para. 12.
		S. 365 (3) rep. ...	25, s. 73 (7) (b), sch. 13 Pt. I.
		S. 369 restr. ...	25, s. 16 (6).
		Pt. XVIII Ch. IV (ss. 412–414) appl. in pt.	25, s. 25 (3).
		S. 425 (3) am. ...	25, s. 73 (7) (a), sch. 12 para. 14.
		Ss. 440 (1), 441 (1) rep. in pt., 445 (1) (b) rep., 447 (1) (a) rep. in pt., 447 (2), 448 (1) (a), (2) rep.	25, s. 73 (7) (b), sch. 13 Pt. I.
		S. 451 ext. ...	24, s. 8, sch. 2 para. 3.
		S. 451 (1) am. ...	25, s. 73 (7) (a), sch. 12 para. 15.
		S. 453 rep. ...	25, s. 73 (7) (b), sch. 13 Pt. I.
		S. 454 ext. (London) ...	33, s. 2 (4), sch. 2 para. 31.
		S. 461 (1) rep. in pt. ...	25, s. 73 (8) (b), sch. 14 Pt. VI.
		S. 461 (2) am. ...	54, s. 4 (4), sch. 2 para. 1.
		S. 461 (3) am. ...	55, s. 1 (2), sch. 1 para. 1.
		S. 469 (6) proviso, 474, 475 rep.	54, s. 4 (4), sch. 2 para. 1.
		S. 476 saved ...	25, s. 1 (2), sch. 1 para. 1.
		S. 476 (2) rep. in pt. ...	25, s. 73 (7) (b), sch. 13 Pt. I.
S. 477 saved ...	25, s. 31 (3), sch. 4 para. 18.		
S. 477 (2) (b) rep. ...	25, s. 73 (7) (b), sch. 13 Pt. I.		

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
15 & 16 Geo. 6 & 1 Eliz. 2: c. 10— <i>cont.</i>	Income Tax Act 1952— <i>cont.</i>	Ss. 478 rep., 479 (1) rep. in pt., 509, schs. 3, 5 rep. Sch. 6 appl. (mod.) ... Sch. 7 rep. ... Sch. 14 excl. in pt. ... Sch. 18 Pt. III para. 2 (3) rep. in pt., 2 (4) rep. Sch. 23 Pt. I para. 1 am. Sch. 23 Pt. I para. 1 (b) rep. Sch. 23 Pt. I para. 4 (2) (3) am. Sch. 23 Pt. II paras. 1-3 rep., 4 (1) rep. in pt., 6-11 rep.	25, s. 73 (7) (b), sch. 13 Pt. I. 25, s. 19. 25, s. 73 (7) (b), sch. 13 Pt. I. 25, s. 37 (13). 25, s. 73 (7) (b), sch. 13 Pt. I. 25, s. 73 (7) (a), sch. 12 para. 16. 25, s. 73 (7) (b), sch. 13 Pt. I. 25, s. 73 (7) (a), sch. 12 para. 16. 25, s. 73 (7) (b), sch. 13 Pt. I.
c. 15 ...	Agriculture (Fertilisers) Act 1952.	Ext. ...	11, ss. 4, 5.
c. 18 ...	Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act 1952.	S. 1 (6) am. ...	54, s. 4 (4), sch. 2 para. 2. 55, s. 1 (2), sch. 1 para. 2.
c. 31 ...	Cremation Act 1952 ...	S. 2 (1) (b) (ii) (iii) subst. (1.4.1965). S. 4 expld. (London) (1.4.1965).	33, s. 61 (2). 33, s. 44 (1).
c. 33 ...	Finance Act 1952 ...	Ss. 4, 5 rep. ... Pt. II (ss. 11, 12), s. 76 (3) rep. S. 15 (1) (2) am. ... Ss. 18 (6) rep. in pt., 26 (1) rep. in pt., 26 (4) (5) rep. S. 26 (6) (7) am. ... S. 26 (8) rep. in pt. ... S. 26 (9) am., 26 (10) ...	3, s. 6 (1), sch. 3. 9, s. 41 (1), sch. 4. 25, s. 12 (6). 25, s. 73 (7) (b), sch. 13 Pt. I. 25, s. 73 (7) (a), sch. 12 para. 17. 25, s. 73 (7) (b), sch. 13 Pt. I. 25, s. 73 (7) (a), sch. 12 para. 17.
c. 37 ...	Civil List Act 1952 ...	S. 8 rep. in pt. ...	30, S.L.R.
c. 41 ...	Affiliation Orders Act 1952.	S. 3 mod. ... ext. ...	22, s. 3 (1). 22, s. 3 (2).
c. 44 ...	Customs and Excise Act 1952.	Power to excl. in pt. (E.) (S.). Appl. (mod.), exc. ss. 34 (4), 35-37, 259, 272. S. 34 (2) excl. ... Ss. 44, 45 saved ... S. 46 appl. (mod.) ... S. 82 (3) appl. (mod.) ... S. 88 (1) excl. ... S. 125 (1), (2), (3), (5) am. S. 131 am. ...	3, s. 4 (4), sch. 2 para. 6 (1). 9, s. 25 (1) (2). 25, s. 9 (2) (a). 25, s. 9 (2) (b). 9, s. 25 (4). 25, s. 9 (6). 25, s. 9 (3). 25, s. 6, sch. 2 para. 1. 25, s. 6, sch. 2 para. 2.

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15 & 16 Geo. 6 & 1 Eliz. 2: c. 44— <i>cont.</i>	Customs and Excise Act 1952— <i>cont.</i>	<p>S. 134 (1) am.</p> <p>S. 134 (3) rep. in pt. ...</p> <p>Ss. 146 (6), 148 (4) am. S. 187 rep.</p> <p>Ss. 188, 189 rep. ...</p> <p>S. 220 (1) (a) am., 220 (1) (d) subst., 220 (1) (e) am.</p> <p>S. 248 (1) ext.</p> <p>Ss. 258, 260 excl. ...</p> <p>Ss. 290 (2), 301 (2) appl.</p> <p>S. 307 (1) am.</p> <p>S. 307 (1) am. and rep. in pt. (definition of "brewer" rep. in pt., definition of "tobacco dealer" rep. and superseded).</p> <p>S. 307 (1) expld. (definitions of "excise trade" and "excise trader").</p> <p>S. 307 (1) am. (definition of "limited licence to brew beer" added).</p> <p>S. 316 (6) rep.</p> <p>S. 317 rep.</p> <p>Sch. 2 Pt. II rep. ...</p> <p>Sch. 9 rep.</p> <p>Sch. 10 Pt. II paras. 30, 31 rep.</p>	<p>25, s. 6, sch. 2 para. 3.</p> <p>25, ss. 6, 73 (8) (a), schs. 2 para. 3, 14 Pt. I.</p> <p>31, s. 59 (a).</p> <p>25, ss. 7 (1) (2) (5), 73 (8) (a), sch. 14 Pt. I.</p> <p>25, s. 73 (8) (a), sch. 14 Pt. I.</p> <p>25, s. 4 (2).</p> <p>25, s. 7 (4).</p> <p>9, s. 25 (3).</p> <p>9, s. 34 (2).</p> <p>31, s. 59 (b).</p> <p>25, ss. 6, 7, 73 (8) (a), schs. 2, 14 Pt. I.</p> <p>25, s. 7 (1).</p> <p>25, s. 6, sch. 2</p> <p>30, S.L.R.</p> <p>9, s. 41 (1), sch. 4.</p> <p>25, ss. 6, 73 (8) (a), schs. 2 para. 5, 14 Pt. I.</p> <p>9, s. 41 (1), sch. 4.</p> <p>3, s. 6 (1), sch. 3.</p>
c. 47	Rating and Valuation (Scotland) Act 1952.	S. 6 (1) rep. in pt. ...	12, s. 27, sch. 3 Pt. I.
c. 48	Costs in Criminal Cases Act 1952.	<p>Ss. 8 (1), 11 (1) appl. (mod.).</p> <p>S. 16 (3) rep. in pt. (London) (1.4.1965).</p>	<p>30, S.L.R.</p> <p>2, s. 9 (4), sch. 1 para. 23 (3).</p> <p>33, s. 16 (2), sch. 6 para. 70.</p>
c. 50	Children and Young Persons (Amendment) Act 1952.	Ss. 1 rep., 3 (2) (3), 5 (1) (2), 6, 7 rep. (<i>prosp.</i>).	37, s. 64 (3) sch. 5.
c. 54	Town Development Act 1952.	<p>Ss. 4, 10 (3), 12 (1) am. (1.4.1965).</p> <p>S. 19 rep. (1.4.1965) ...</p> <p>S. 23 (2) (b) subst. (<i>prosp.</i>)</p>	<p>33, s. 61 (1).</p> <p>33, s. 93 (1), sch. 18 Pt. II.</p> <p>38, s. 136 (1), sch. 13 para. 8.</p>
c. 55	Magistrates' Courts Act 1952.	<p>S. 23 excl.</p> <p>S. 28 ext.</p> <p>S. 55 (1) mod. (<i>prosp.</i>) ...</p>	<p>37, s. 27 (3).</p> <p>37, ss. 19, 20.</p> <p>41, ss. 42 (9), 43 (7).</p>

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1952 & 16 Geo. 6 & 1 Eliz. 2: c. 55— <i>cont.</i>	Magistrates' Courts Act 1952— <i>cont.</i>	Ss. 72A, 72B added (<i>prosp.</i>). Ss. 91, 92 appl. (<i>prosp.</i>) ... S. 102 (3) (4) ext. ... S. 104 excl. ... S. 119 (2) rep. (saving) ...	39, s. 26 (2), sch. 3. 37, ss. 6 (1), 7 (2). 39, s. 39 (1). 16, s. 23 (3). 39, s. 52 (2) (3), sch. 6.
c. 57 ...	Marine and Aviation Insurance (War Risks) Act 1952.	S. 5 (2) rep. in pt. ...	30, S.L.R.
c. 61 ...	Prison (Scotland) Act 1952.	Ext. (<i>prosp.</i>) ... Expld. (<i>prosp.</i>) ... Appl. in pt. (<i>prosp.</i>) ... S. 9 rep. in pt. (saving) ... S. 16 (1) subst. (saving) by s. 16 (1) (1A). S. 18 (1) am. (<i>prosp.</i>) ... S. 18 (2) subst. (<i>prosp.</i>) ... S. 18 (3) rep. in pt. (saving) (<i>prosp.</i>), s. 18 (3A) added (saving) (<i>prosp.</i>). S. 19 (3) am. (<i>prosp.</i>) ... Ss. 20 (2)–(6) rep. (saving) (<i>prosp.</i>), 23 ref. (saving). S. 28 (2) am. (<i>prosp.</i>) ... S. 31 (1) (<i>d</i>) added (<i>prosp.</i>) S. 31 (3) am. (<i>prosp.</i>) ... S. 31 (4) am. (<i>prosp.</i>) ... S. 31 (4) (<i>a</i>) rep. (saving) S. 32 subst. (<i>prosp.</i>) ... S. 33 (2) am. ... S. 33 (3) am. ... S. 33 (4) am. ... am. (<i>prosp.</i>) ... appl. ... S. 33 (5) am. (<i>prosp.</i>) ... S. 34 am. (<i>prosp.</i>) ... S. 35 (1) (6) am. (<i>prosp.</i>) S. 37 (1) (2) am. (<i>prosp.</i>) Sch. 1 rep. (saving) ...	39, s. 15 (1). 39, s. 9 (2). 39, s. 10 (3). 39, s. 52 (1)–(3), schs. 5, 6. 39, s. 52 (1), (3), sch. 5. 39, s. 52 (1), (3), sch. 5. 39, s. 15 (2). 39, s. 52 (1), (3), sch. 5. 39, s. 52 (1) (3), sch. 5. 39, s. 52 (2) (3), sch. 6. 39, s. 52 (1) (3), sch. 5. 39, s. 2 (1). 39, s. 52 (1) (3), sch. 5. 39, s. 52 (1) (3), sch. 5. 39, s. 52 (2) (3), sch. 6. 39, s. 9 (1). 39, s. 52 (1) (3), sch. 5. 39, ss. 4 (2), 52 (1) (3), sch. 5. 39, ss. 4 (3), 52 (1), sch. 5. 39, ss. 5 (1), 52 (1), sch. 5. 39, s. 6 (2). 39, ss. 5 (1), 52 (1) (3), sch. 5. 39, s. 52 (1) (3), sch. 5. 39, s. 52 (1), (3), sch. 5. 39, s. 52 (1) (3), sch. 5. 39, s. 52 (2) (3), sch. 6.

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c. 67	Visiting Forces Act 1952	S. 1 (1) (a) am. S. 10 (1) (a) restr.	{ 54, s. 4 (4), sch. 2. para. 6 (a). 55, s. 1 (2), sch. 1 para. 7. 54, s. 4 (4), sch. 2 para. 6 (b). 33, s. 52 (3), sch. 12 para. 19 (5).
c. 68	Cinematograph Act 1952	S. 6 ext. (London) (1.4.1965).	33, s. 52 (3), sch. 12 para. 19 (5).
1 & 2 Eliz. 2.:			
c. 5	Expiring Laws Continuance Act 1952.	Rep.	30, S.L.R.
c. 15	Iron and Steel Act 1953	S. 34 (1) rep. in pt.	30, S.L.R.
c. 16	Town and Country Planning Act 1953.	S. 3 (1) rep. (S.)	51, s. 47 (3), sch. 4.
c. 18	Coastal Flooding (Emergency Provisions) Act 1953.	S. 6 rep. (<i>prosp.</i>)	38, s. 136 (2), sch. 14 Pt. I.
c. 23	Accommodation Agencies Act 1953.	Cont. until 31.12.1964 Excl. (Greater London Council) (1.4.1965).	58, s. 1 (1). 33, s. 22 (5).
c. 26	Local Government (Miscellaneous Provisions) Act 1953.	S. 1 (2) rep. in pt. S. 2 (2) (a) am. S. 2 (2) (c) am. Ss. 8, 12 expld. (London) (1.4.1965). S. 13 mod. (London) (1.4.1965). S. 14 mod. (London) S. 15 (b) rep. (1.4.1965)	46, ss. 9, 16, sch. 2. 33, s. 83 (1), sch. 17 para. 13 (a) 33, s. 83 (1), sch. 17 para. 13 (b). 33, s. 40, sch. 11 Pt. I paras. 1, 2 33, s. 37, sch. 9 Pts. I, II. 33, s. 2 (4), sch. 2 para. 1. 33, s. 93 (1), sch. 18 Pt. II.
c. 33	Education (Miscellaneous Provisions) Act 1953.	Expld. (London) ("local education authority"). S. 7 (1). Power to mod. (London). S. 7 (4) (5) ext. (London) S. 13 (1) rep. in pt. (1.4.1965), 13 (2) rep. (1.4.1965).	33, s. 30 (1). 33, s. 31 (8). 33, ss. 31 (9), 33 (2). 33, s. 93 (1), sch. 18 Pt. II.
c. 34	Finance Act 1953	S. 11 rep. S. 18 (2) rep. S. 19 (4) (b) am. S. 31 (2) rep. S. 33 appl. (mod.) S. 33 (2) rep. S. 35 (3) rep.	9, s. 41 (1), sch. 4. 25, s. 73 (7) (b), sch. 13 Pt. I. 25, s. 46 (2). 25, s. 73 (8) (b), sch. 14 Pt. IV. 9, s. 34 (3). 9, s. 41 (1), sch. 4. 9, s. 41 (1), sch. 4.
c. 37	Registration Service Act 1953.	S. 21 (2) rep. in pt. (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.
c. 42	Valuation for Rating Act 1953.	S. 8 (2) rep. in pt. (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.
c. 46	Licensing Act 1953	Expld. (London) Pt. II contd. as amd. until 31.3.1965.	33, s. 83 (1), sch. 17 para. 14 (a). 58, s. 1 (2).

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
& 2 Eliz. 2: c. 46— <i>cont.</i>	Licensing Act 1953— <i>cont.</i>	S. 130 rep. (31.7.1965) ... S. 141 (1) expld. ... S. 141 (2) subst.... ... S. 166 am. Sch. 7 para. 11 (c) am. (1.4.1965). Sch. 7 para. 11 (d) am. (1.4.1965). Sch. 7 para. 12 am. (1.4.1965). Sch. 1 para. 1 (f) (i) (ii) rep. in pt. (1.4.1965). Sch. 1 para. 1 (f) (vi) added (1.4.1965). Rep. (<i>prosp.</i>)	31, s. 63 (1) (b), sch. 9 Pt. II. 2, s. 40. 2, s. 56 (2). 2, s. 35 (5). 33, s. 83 (1), sch. 17 para. 14 (b). 33, s. 83 (1), sch. 17 para. 14 (c). 33, s. 83 (1), sch. 17 para. 14 (d). 33, ss. 83 (1), 93 (1), schs. 17 para. 15 (a), 18 Pt. II. 33, s. 83 (1), sch. 17 para. 15(b). C.A.M. No. 1, s. 87, sch. 5.
c. 50	Auxiliary Forces Act 1953.		
C.A.M. No. 3	Incumbents (Discipline) and Church Dignitaries (Retirement) Amend- ment Measure, 1953.		
& 3 Eliz. 2: c. 7	Air Corporations Act 1953.	S. 3 rep.	30, S.L.R.
c. 8	Electoral Registers Act 1953.	Sch. rep. in pt. (1.4.1965)	33, s. 93 (1), sch. 18 Pt. II.
c. 9	Expiring Laws Continu- ance Act 1953.	Rep.	30, S.L.R.
c. 13	Local Government (Financial Provisions) (Scotland) Act 1954.	Continued as amd. ... S. 1 excl. S. 1 (2) (3) rep. S. 2 (1) (2) rep. S. 2 (3) rep. in pt. S. 3 subst. Ss. 4, 5 rep. S. 6 (3) am. S. 7 rep. S. 8 subst. S. 14 (1) am. (<i>prosp.</i>) ...	12, s. 1. 12, s. 3 (1). 12, s. 27, sch. 3 Pt. I. 12, s. 27, sch. 3 Pt. I. 12, s. 27, sch. 3 Pt. I. 12, s. 2 (3). 12, s. 27, sch. 3 Pt. I. 12, s. 5. 12, s. 27, sch. 3 Pt. I. 12, s. 4. 38, s. 136 (1), sch. 13 para. 9.
c. 30	Protection of Birds Act 1954.		
c. 31	Coroners Act 1954 ...	Appl. (mod.) (Greater London) (1.4.1965).	33, s. 78.
c. 32	Atomic Energy Authority Act 1954.	S. 6 (2) rep. in pt. ...	25, s. 73 (7) (b), sch. 13 Pt. I.
c. 33	Pool Betting Act 1954 ...	Rep.	2, s. 57 (1), sch. 8.
c. 36	Law Reform (Limitation of Actions, etc.) Act 1954.	S. 6 (1) excl. S. 6 (2) am. ext.	47, ss. 8, 9. 47, s. 10 (2). 47, s. 10 (3).
c. 44	Finance Act 1954 ...	Pt. II (ss. 7-13) rep. (with saving for s. 12(8)). S. 16 (2)-(4) am. ... S. 16 (5) am. rep. in pt.	9, s. 41, schs. 4, 5. 25, s. 33. 25, s. 33. 25, s. 73 (7) (b), sch. 13 Pt. I.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
2 & 3 Eliz. 2: c. 44— <i>cont.</i>	Finance Act 1954— <i>cont.</i>	S. 16 (6) am.	25, s. 33.
		S. 16 (6) (a) excl.	25, s. 36 (1).
		S. 35 (3) rep.	9, s. 41, sch. 4.
		Sch. 3 para. 2 (2) am.	25, s. 46 (2).
c. 48	Summary Jurisdiction (Scotland) Act 1954.	Ext. (<i>prosp.</i>)	39, s. 14, sch. 1.
		S.2 rep. (saving) so far as relating to ss. 63–65 of the Criminal Procedure (Scotland) Act 1887 (c.35).	39, s. 52 (2) (3), sch. 6.
		S3. paras. (b) (c) am. (<i>prosp.</i>)	39, ss. 23 (1), 52 (1) (3), sch. 5.
		S. 4 (2) (c) (d) (e) subst. (saving) by s. 4 (2) (c) (d).	39, ss. 45, 52 (1) (3), sch. 5.
		S. 1 (a) (b) am. (<i>prosp.</i>)...	39, ss. 23 (2), 52 (1) (3), sch. 5.
		S. 8 (a) (b) subst.	39, s. 16.
		S. 18 (3) rep. (saving) (<i>prosp.</i>)	39, ss. 43, 52 (2) (3), sch. 6.
		S. 20 (1) am.	39, s. 52 (1) (3), sch. 5.
		S. 20 (3) ext.	39, s. 19 (2).
		S. 21 am.	39, ss. 46, 52 (1) (3), sch. 5.
		S. 22 rep. in pt. (saving)...	39, s. 52 (2) (3), sch. 6.
		S. 23 excl.	16, s. 23 (4).
		S. 26 (4) am. (<i>prosp.</i>)	39, s. 52 (1) (3), sch. 5.
		S. 31 (1) am.	39, s. 52 (1) (3), sch. 5.
		S. 31 (5) rep. (saving)	39, s. 52 (2) (3), sch. 6.
		S. 33 (1) am. (<i>prosp.</i>)	39, ss. 24, 52 (1) (3), sch. 5.
		S. 40 para. (b) am. (<i>prosp.</i>)	39, ss. 23, 52 (1) (3), sch. 5.
		Ss. 42 and 43 subst. (<i>prosp.</i>) by ss. 42, 43, 43A, 43B and 43C.	39, s. 25.
		S. 44 subst. (<i>prosp.</i>)	39, s. 26 (2), sch. 3 Pt. 1.
		S. 44 (3) rep. (<i>prosp.</i>)	39, s. 26 (1).
		S. 45 ext.	39, s. 27.
		S. 45 (2) am.	39, s. 52 (1) (3), sch. 5.
		S. 48 subst. (<i>prosp.</i>)	39, s. 52 (1) (3), sch. 5.
		S. 49 (2) rep. (saving) (<i>prosp.</i>)	39, s. 52 (2) (3), sch. 6.
		S. 50 (3) added (<i>prosp.</i>)...	39, s. 52 (1) (3), sch. 5.
		S. 65 (4) am.	39, s. 32 (1).
		S. 71 (7) added	39, s. 32 (2).
		S. 76 (1) am. (<i>prosp.</i>)	39, s. 43.
		S. 76 (1) (a) am.	39, s. 52 (1) (3), sch. 5.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
2 & 3 Eliz. 2: c. 48— <i>cont.</i>	Summary Jurisdiction (Scotland) Act 1954— <i>cont.</i>	S. 77 am. (definition of "complaint" added) Sch. 1 rep. (saving) so far as incorporating ss. 63 and 65 of the Criminal Procedure (Scotland) Act 1887 (c. 35).	39, s. 52 (1) (3), sch. 5. 39, s. 52 (2) (3), sch. 6.
c. 53	Housing Repairs and Rent Act 1954.	S. 33 (1) (a) am. ...	33, s. 83 (1), sch. 17 para. 16.
c. 55	Television Act 1954 ...	Power to am.	50, s. 21.
		S. 1 (1) rep. in pt. ...	50, s. 23 (3), sch. 3.
		S. 1 (2) rep. in pt. ...	50, s. 23 (1) (3), schs. 2, 3.
		S. 1 (3) expld.	50, s. 23 (1), sch. 2, para. 2.
		S. 1 (8) ext.	50, s. 23 (1), sch. 2 para. 2.
		S. 2 (2) (b) rep. in pt. ...	50, s. 23 (1) (3), schs. 2 para. 3, 3.
		S. 2 (2) (c) added ...	50, s. 23 (1), sch. 2 para. 4 (1).
		S. 3 (1) (a) rep. in pt. ...	50, s. 23 (1) (3), schs. 2, 3.
		S. 3 (1) (b) rep. (30.7.1964).	50, s. 23 (3), sch. 3.
		S. 3 (1) (c) subst. (30.7.1964).	50, s. 10 (1).
		S. 3 (1) (e) am. (30.7.1964).	50, s. 23 (1), sch. 2 para. 6.
		S. 3 (1) (f) expld. ...	50, s. 16 (1).
		S. 3 (1) (g) and proviso rep.	50, ss. 16 (2), 23 (3), sch. 3.
		S. 3 (2) rep. in pt. ...	50, s. 23 (1) (3), schs. 2, 3.
		am.	50, s. 23 (1), sch. 2 para. 7.
		S. 3 (3) saved (30.7.1964)	50, s. 14.
		S. 4 mod. (30.7.1964) ...	50, s. 5 (1).
		expld. (30.7.1964) ...	50, s. 9.
		S. 4 (3) rep. in pt. ...	50, ss. 23 (1) (3), schs. 2, 3.
		S. 4 (5) am.	50, ss. 23 (1), sch. 2 para. 9.
		S. 4 (6) proviso am. ...	50, s. 23 (1), sch. 2 para. 4 (2).
		S. 4 (6) proviso para. (dd) added.	50, s. 23 (1), sch. 2 para. 10.
		S. 5 expld. (30.7.1964) ...	50, s. 9.
		S. 5 (2) saved (30.7.1964)	50, s. 11 (2).
		S. 5 (5) rep. (30.7.1964)...	50, s. 23 (3), sch. 3.
		S. 6 (1) rep. in pt. (30.7.1964)	50, s. 23 (3), sch. 3.
		ext. (30.7.1964)...	50, s. 11 (6).
		S. 6 (2) rep. (30.7.1964)...	50, ss. 12 (3), 23 (3), sch. 3.

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2 & 3 Eliz 2: c. 55— <i>cont.</i>	Television Act 1954— <i>cont.</i>	S. 6 (3) proviso rep. (30.7.1964). S. 7 (1) rep. in pt. ... S. 8 (1) ext. ... S. 8 (2) rep. in pt. (30.7.1964). S. 9 (2) ext. ... S. 9 (3) ext. and expld. ... S. 9 (4) (5) rep. ... S. 11 rep. ... S. 12 rep. ... S. 15 (2) rep. in pt. ... S. 16 (1) (b) am. ... S. 20 (3) ext. ... Sch. 1 para. 3 am. ... Sch. 1 para. 4 am. ... Sch. 2 rep. and suspended (30.7.1964). Sch. 3 rep. (30.7.1964) ...	50, ss. 12 (3), 23 (3), sch. 3. 50, s. 23 (1) (3), schs. 2 para. 11, 3. 50, s. 23 (1), sch. 2 para. 12 (1) (2). 50, s. 23 (1) (3), schs. 2 para. 12 (3) (4), 3. 50, s. 23 (1), sch. 2 para. 13. 50, s. 23 (1), sch. 2 para. 14. 50, s. 23 (3), sch. 3. 50, ss. 20, 23 (3), sch. 3. 50, s. 23 (3), sch. 3. 50, s. 23 (3), sch. 3. 50, s. 23 (1), sch. 2 para. 15. 50, s. 25 (4). 50, s. 23 (1), sch. 2 para. 16. 50, s. 23 (1), sch. 2 para. 17. 50, ss. 5 (1), 23 (3), sch. 3. 50, s. 23 (3), sch. 3.
e. 56 ...	Landlord and Tenant Act 1954.	S. 63 (2) am. ...	5, s. 4.
c. 59 ...	Slaughter of Animals (Amendment) Act 1954.	Ss. 1 (1)–(3), 10 rep. (1.4.1965)	33, s. 93 (1), sch. 18 Pt. II.
c. 62 ...	Post Office Savings Bank Act 1954.	Ss. 19 (2) (3) rep. in pt. ...	30, S.L.R.
c. 63 ...	Trustee Savings Banks Act 1954.	S. 36 (2) (3) rep. in pt. ...	30, S.L.R.
c. 69 ...	Expiring Laws Continuance Act 1954.	Rep. ...	30, S.L.R.
c. 70 ...	Mines and Quarries Act 1954.	S. 145 ext. (<i>prosp.</i>) ... S. 145 (2) appl. (<i>mod.</i>) (<i>prosp.</i>) ... S. 151 (4) rep. (1.4.1965)	41, s. 54. 41, s. 56 (2). 33, s. 93 (1), sch. 18 Pt. II.
c. 73 ...	Town and Country Planning (Scotland) Act 1954.	S. 30 ext. ...	17, s. 2 (4).
C.A.M. No. 3	Cathedrals (Grants) Measure 1954.	Ss. 31 (1) rep. in pt., 62 rep.	51, s. 47 (3), sch. 4.
		Rep. ...	C.A.M. No. 2, s. 54 (1), sch. 2

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
& 4 Eliz. 2: c. 13	Rural Water Supplies and Sewerage Act 1955.	S. 1 (3) appl.	12, s. 6 (2).
c. 15	Finance Act 1955	S. 2 (3) rep.	25, s. 73 (8) (b), sch. 14 Pt. II.
c. 18	Army Act 1955	S. 2 (7) superseded in pt. Cont. until 31.12.1964 ... Expld. (<i>prosp.</i>) (committal or transfer to civil prison of persons under 21). Restr. (meaning of "colony"). S. 225 (1) am. (definition of "Commonwealth force"). rep. in pt. (in pt. the definition of "Governor").	25, s. 12 (5). S.I. No. 2081. 39, s. 9 (3) (4). 54, s. 4 (2) (a). 54, s. 4 (2) (b). 55, s. 1 (2), sch. 1 para. 5. 55, s. 6 (3), sch. 3.
c. 19	Air Force Act 1955	Cont. until 31.12.1964 ... Expld. (<i>prosp.</i>) (committal or transfer to civil prison of persons under 21). Restr. (meaning of "colony"). S. 223 (1) am. (definition of "Commonwealth force"). S. 223 (1) rep. in pt. (in pt., the definition of "Governor")	S.I. No. 2107. 39, s. 9 (3) (4). 54, s. 4 (2) (a). 54, s. 4 (2) (b). 55, s. 1 (2), sch. 1 para. 5. 55, s. 6 (3), sch. 3.
c. 23	British Museum Act 1955	Rep.	24, s. 13 (5), sch. 4.
c. 25	Oil in Navigable Waters Act 1955.	S. 1 ext. (<i>prosp.</i>) S. 1 expld. (<i>prosp.</i>) S. 1 (1) rep. in pt. (<i>prosp.</i>) am. (<i>prosp.</i>) S. 1 (3) ext. (<i>prosp.</i>) S. 1 (4) rep. (<i>prosp.</i>) S. 2 (1) rep. in pt. (<i>prosp.</i>), 2 (2) (a) rep. in pt. (<i>prosp.</i>), 2 (2) (b), (3), (4) rep. (<i>prosp.</i>), 2 (5) (a) rep. in pt. (<i>prosp.</i>), 2 (5) (b) rep. (<i>prosp.</i>), 2 (b) rep. (<i>prosp.</i>). S. 2 (7) am. (<i>prosp.</i>) S. 2 (8) am. (<i>prosp.</i>) rep. in pt. (<i>prosp.</i>) S. 4 appl. (<i>prosp.</i>) S. 4 (1) am. (<i>prosp.</i>) S. 5 expld. (<i>prosp.</i>) S. 6 appl. (<i>prosp.</i>) S. 7 (1) expld. (<i>prosp.</i>)	28, s. 2 (1) (2). 28, s. 3 (1), sch. 1 para. 3 (1). 28, 3, schs. 1, para. 1 (1), 2. 28, 3 (1), sch. 1 para. 1 (1). 28, s. 2 (3). 28, s. 3, schs. 1 para. 1 (2), 2. 28, s. 3 (2), sch. 2. 28, s. 1 (2). 28, s. 1 (2). 28, s. 3 (2), sch. 2. 28, s. 2 (3). 28, s. 3 (1), sch. 1 para. 2 (1). 28, s. 3 (1), sch. 1 para. 3 (1). 28, s. 2 (3). 28, s. 3 (1), sch. 1 para. 3 (1).

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
3 & 4 Eliz. 2: c. 25— <i>cont.</i>	Oil in Navigable Waters Act 1955— <i>cont.</i>	<p>S. 7 (1) (a) am. (<i>prosp.</i>)...</p> <p>S. 7 (5) (6) ext. (<i>prosp.</i>)</p> <p>Ss. 8 (5), 14 (1) expld. (<i>prosp.</i>)</p> <p>S. 16 (1) saved (<i>prosp.</i>)...</p> <p>S. 16 (2) (a) rep. (<i>prosp.</i>)</p> <p>S. 22 (1) rep. in pt. (<i>prosp.</i>), sch. Pts. I am., II rep., III am., IV rep. (<i>all prosp.</i>).</p>	<p>28, s. 3 (1), sch. 1 para. 2 (2).</p> <p>28, s. 2 (4).</p> <p>28, s. 3 (1), sch. 1 para. 3 (1).</p> <p>28, s. 3 (1), sch. 1 para. 3 (1).</p> <p>28, s. 3, schs. 1 para. 3 (3), 2</p> <p>28, s. 3 (2), sch. 2</p>
4 & 5 Eliz. 2: c. 6 c. 9	Miscellaneous Financial Provisions Act 1955. Rating and Valuation (Miscellaneous Provisions) Act 1955.	<p>Sch. 1 rep. in pt. (London) (1.4.1965).</p> <p>S. 3 (1) (a) rep. in pt., 4 (2) rep. in pt., 5 (1) rep. in pt., 5 (6) rep., 9 (2) rep. in pt., 16 (1) (2) rep. in pt., sch. 2 cols. 2 rep. in pt., 3 rep., sch. 7 Pt. III rep. in pt. (all on 1.4.1965).</p>	<p>33, s. 16 (2), sch. 6 para. 70.</p> <p>33, s. 93 (1), sch. 18 Pt. II.</p>
c. 16	Food and Drugs Act 1955	<p>S. 7 (1) rep. in pt. (31.7.1965), 7 (2) rep. (31.7.1965).</p> <p>Ss. 8 (4) rep. in pt., 12 (2) rep. in pt., 15 (2), 25 (4) rep., 26 (6) rep. in pt., 42 (4) rep. in pt., 43 (4) rep. in pt. (all on 1.4.1965).</p> <p>S. 56 (3) rep.</p> <p>Ss. 57 (2) (3), 59, 60 (a) rep. (31.7.1965).</p> <p>S. 76 rep. in pt. (N.I.) ...</p> <p>S. 83 (1) (b) am. (1.4.1965)</p> <p>S. 85 (b) rep. (1.4.1965), 85 (d) rep. in pt. (1.4.1965).</p> <p>S. 87 (3) (a) rep. in pt. (E.) (31.7.1965).</p> <p>S. 88 (4) rep. (1.4.1965)</p> <p>Ss. 102 rep. (31.7.1965), 109 (2) (b) rep. (31.7.1965), 114 (4) (b) rep. (31.7.1965).</p> <p>S. 123 (6) rep. in pt. ...</p> <p>Ss. 125 (2), 126 (3) rep. (1.4.1965).</p> <p>S. 133 rep.</p>	<p>31, ss. 63 (1) (b), 65, schs. 9 Pt. II, 10 Pt. V.</p> <p>33, s. 93 (1), sch. 18 Pt. II.</p> <p>31, s. 63 (1) (a), sch. 9 Pt. I.</p> <p>31, s. 63 (1) (b), sch. 9 Pt. II.</p> <p>31, s. 65, sch. 10 Pt. V.</p> <p>33, s. 54 (4), sch. 13 para. 2.</p> <p>33, s. 93 (1), sch. 18 Pt. II.</p> <p>31, s. 63 (1) (b), sch. 9 Pt. II.</p> <p>33, s. 93 (1), sch. 18 Pt. II.</p> <p>31, s. 63 (1) (b), sch. 9 Pt. II.</p> <p>31, ss. 63 (1) (a), 65, schs. 9 Pt. I, 10 Pt. V.</p> <p>33, s. 93 (1), sch. 18 Pt. II.</p> <p>31, s. 63 (1) (b), sch. 9 Pt. II.</p>

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
1 & 5 Eliz. 2: c. 16—cont.	Food and Drugs Act 1955 —cont.	S. 135 (1) am. (1.4.1965) rep. in pt. (1.4.1965). S. 136 (3) (a) rep. (1.4.1965). S. 137 (3) subst. (1.4.1965). Sch. 6 am. (1.4.1965) ... Schs. 8 and 9 Pt. I rep. in pt. (31.7.1965). Sch. 10 paras. 1 rep. in pt., 2 (b) rep. (both on 31.7.1965). Sch. 12 para. 6 rep. (1.4.1965). Rep.	33, s. 54 (4), sch. 13 para. 3. 33, s. 93 (1), sch. 18 Pt. II. 33, s. 93 (1), sch. 18 Pt. II. 33, s. 54 (4), sch. 13 para. 4. 33, s. 54 (4), sch. 13 para. 5. 31, s. 63 (1) (b), sch. 9 Pt. II. 31, ss. 63 (1) (b), 65, schs. 9 Pt. II, 10 Pt. V. 33, s. 93 (1), sch. 18 Pt. II. 30, S.L.R.
c. 22	Expiring Laws Continuance Act 1955.	Rep.	30, S.L.R.
c. 24	Children and Young Persons Act 1956.	Ss. 2 (2) rep. in pt. sch. paras. 7 (b) and 14 (b) rep.	37, s. 64 (3), sch. 5.
c. 25	Therapeutic Substances Act 1956.	Sch. 1 am.	S.I. Nos. 1451, 1453-1455.
c. 30	Food and Drugs (Scotland) Act 1956.	Ss. 7 (2), 36 (7) rep. (31.7.1965). S. 56 (7) rep. S. 56 (8) (g) rep. in pt. (31.7.1965). Ss. 58 (4), 60 (5) (b) rep. (31.7.1965). S. 18 (4) am.	31, s. 63 (1) (b), sch. 9 Pt. II. 31, s. 63 (1) (a), sch. 9 Pt. I. 31, s. 63 (1) (b), sch. 9 Pt. II. 31, s. 63 (1) (b), sch. 9 Pt. II. 37, s. 64 (1), sch. 3 para. 47.
c. 34	Criminal Justice Administration Act 1956.	S. 1 expld.	46, s. 4.
c. 36	Local Authorities (Expenses) Act 1956.	S. 1 (1) (a) rep. in pt.	46, s. 16, sch. 2.
c. 43	Local Government Elections Act 1956.	S. 6 (1) (a) rep. in pt. S. 6 (1) (b) rep.	33, s. 93 (1), sch. 18. 33, s. 93 (1), sch. 18.
c. 45	Small Lotteries and Gaming Act 1956.	Rep.	2, s. 57 (1), sch. 8. 3, s. 6 (1), sch. 3.
c. 46	Administration of Justice Act 1956.	Ss. 7 (4), 47 (8) rep., sch. 1 Pt. I para. 7 (3) rep.	30, S.L.R.
c. 50	Family Allowances and National Insurance Act 1956.	Sch. paras. 1 rep. in pt., 3, 9 (b) rep.	7, s. 8 (4), sch. 5.
c. 51	Workmen's Compensation and Benefit (Supplementation) Act 1956.	Expld. S. 2 am.	7, s. 5 (4). 7, s. 5 (1).
c. 52	Clean Air Act 1956 ...	Ext. (mod.) (London) (1.4.1965). Expld. (London) (1.4.1965). S. 10 (1) am. (1.4.1965)... Ss. 32 rep. (1.4.1965), 35 (1) rep. in pt. (1.4.1965), sch. 3 Pt. II rep. (1.4.1965).	33, s. 40, sch. 11 Pt. I paras. 1. 33, s. 40, sch. 11 Pt. I para. 30. 33, s. 40, sch. 11 Pt. I para. 31. 33, s. 93 (1), sch. 18 Pt. II.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
4 & 5 Eliz. 2 —cont. c. 54	Finance Act 1956 ...	S. 7 rep. S. 17 (1) am. S. 40 (1) proviso am. ... rep. in pt. S. 42 rep. and superseded	9, s. 41 (1), sch. 4. 25, s. 34. 25, s. 49. 25, ss. 49, 73 (8) (b), sch. 14 Pt. II. 59, ss. 2 (9), 4 (2), sch. 2.
c. 60	Valuation and Rating (Scotland) Act 1956.	S. 44 (2) rep. in pt. ... S. 5 (1) am. S. 5 (2) mod. S. 6 (6) (8). Power to am. S. 6 (9) rep. in pt. (16.5.1966). S. 7 (2) mod. S. 7 (3) expld. S. 7 (6) (b) am. S. 12 am. S. 13 am. S. 15 (1)–(5) rep. S. 15 (6) am. S. 15 (9) rep. S. 25 rep. S. 26 excl. S. 27 rep. Pt. IV (ss. 26–29) contd. S. 32 rep. (16.5.1966) ... Sch. 4 para. 1 am. Sch. 4 para. 2 rep. and superseded. Sch. 4 para. 3 rep. in pt., paras. 7, 8 rep. Sch. 4 para. 9 am. Sch. 5 rep. Sch. 6 para. 2 am. Sch. 6 para. 8 am. (1.4.1965). S. 1 rep. in pt. (1.4.1965)	9, s. 41 (1), sch. 4. 12, s. 22. 12, s. 15 (2). 12, s. 10 (2). 12, ss. 10 (1), 27, sch. 3 Pt. II. 12, s. 14 (1). 12, s. 14. 12, s. 22. S.I. No. 1312. 12, s. 22. 12, s. 27, sch. 3 Pt. I. 12, s. 22. 12, s. 27, sch. 3 Pt. I. 12, s. 27, sch. 3 Pt. I. 12, s. 27, sch. 3 Pt. I. 12, s. 3 (1). 12, s. 27, sch. 3 Pt. I. 12, s. 1. 12, s. 27, sch. 3 Pt. II. 12, s. 12 (3) (a). 12, ss. 12 (1), (3) (b), 27, sch. 3 Pt. I. 12, ss. 12 (3) (b), 27, sch. 3 Pt. I. 12, s. 12 (3) (c). 12, s. 27, sch. 3 Pt. I. 12, s. 9 (7). 33, s. 94 (3). 33, s. 93 (1), sch. 18 Pt. II.
c. 66	Sanitary Inspectors (Change of Designation) Act 1956.	S. 1 rep. in pt. (1.4.1965)	33, s. 93 (1), sch. 18 Pt. II.
c. 69	Sexual Offences Act 1956	Sch. 3 rep. so far as amdg. s. 61 (1) of the Children and Young Persons Act 1933 (c. 12).	37, s. 64 (3), sch. 5.
c. 72	Hill Farming Act 1956...	Ss. 1 (2), 2 rep.	11, s. 28, sch. Pt. II.
c. 74	Copyright Act 1956 ...	Appl. in pt. (mod.) (Falkland Islands) ... (St. Helena) (Seychelles) (Kenya) S. 48 (3) appl.	S.I. No. 1037. S.I. No. 1038. S.I. No. 1039. S.I. No. 1147. 53, s. 3 (2).

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& 5 Eliz. 2				
—cont.				
c. 76	Medical Act 1956 ... Representation of the Laiety Measure 1956.	S. 45 (2) (4) am. ...	S.I. No. 956.	
C.A.M. No. 2		Sch. mod.	C.A.M. No. 2,	
		Sch., rule 5 (2) am. ...	s. 12 (3).	
			C.A.M. No. 2,	
			s. 45.	
C.A.M. No. 3	Parochial Church Councils (Powers) Measure 1956.	Mod.	C.A.M. No. 2,	
				s. 12 (4).
& 6 Eliz. 2:				
c. 4	Expiring Laws Continu- ance Act 1956.	Rep.	30, S.L.R.	
c. 16	Nurses Agencies Act 1957	S. 2 (1) am. (1.4.1965)	33, s. 83 (1), sch. 17 para. 17.	
c. 19	Public Health Officers (Deputies) Act 1957.	S. 1 (1) rep. in pt. (1.4.1965), 1 (3) rep. (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.	
c. 20	House of Commons Dis- qualification Act 1957.	Sch. 1 am.	S.I. No. 1325.	
		Sch. 1 Pt. II rep. in pt....	11, s. 18 (2), sch. Pt. I.	
			am. {	33, s. 92 (2).
				38, s. 13 (11), sch. 6 para. 4.
			Sch. 1 Pt. III am. ...	40, s. 1 (4).
			rep. in pt.	33, s. 92 (3) (a).
				33, s. 92 (3) (c), 93 (1), sch. 18 Pt. I.
			rep. in pt.	33, s. 92 (3) (b), 93 (1), sch. 18 Pt. II.
			Sch. 3 am. ... {	33, s. 92 (3) (a).
			rep. in pt. ...	40, s. 1 (4).
			33, ss. 92 (3) (c), 93 (1), sch. 18 Pt. I.	
		rep. in pt.	33, ss. 92 (3) (b), 93 (1), sch. 18 Pt. II.	
		S. 20 (4) (b) rep. in pt.	33, s. 93 (1), sch. 18 Pt. II.	
		(1.4.1965).	33, s. 83 (1), sch. 17 para. 19.	
		am. (1.4.1965).	39, s. 40.	
c. 29	Magistrates' Courts Act 1957.	S. 6 (3) mod.	51, s. 17, sch. 2 para. 1 (1).	
c. 38	Housing and Town De- velopment (Scotland) Act 1957.	S. 13 mod.	59, s. 2 (2), sch. 1.	
c. 48	Electricity Act 1957 ...	Ss. 15 (3), (5) (b), (7) am. Ss. 33, 34, sch. 2 expld. (1.4.1965).	33, s. 24 (8) (a).	
c. 49	Finance Act 1957 ...	S. 2 (1) rep. (saving) ...	25, ss. 73 (8) (a), sch. 14 Pt. I.	
		S. 2 (2)–(5) rep.	25, ss. 5, 73 (8) (a), sch. 14 Pt. I.	
		S. 2 (6)–(8) rep. (saving)	25, s. 73 (8) (a), sch. 14 Pt. I.	
		S. 2 (9)–(11) rep. ...	25, ss. 5, 73 (8) (a), sch. 14 Pt. I.	

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
5 & 6 Eliz. 2: c. 49— <i>cont.</i>	Finance Act 1957— <i>cont.</i>	S. 12 (3) superseded in pt. S. 12 (4) rep.	25, s. 12 (3). 25, s. 73 (8) (b), sch. 14 Pt. II.
		S. 13 (1) am.	25, s. 12 (7).
		S. 15 am.	25, s. 33.
		Ss. 18, 19 rep.	25, s. 73 (7) (b), sch. 13 Pt. I.
		S. 23 (1) proviso rep. ...	25, ss. 45, 73 (8) (b), sch. 14 Pt. II.
		S. 42 (2) (b) rep.	9, s. 41 (1), sch. 4.
		Sch. 3 para. 4 ext.	25, s. 41 (11) (12).
		Sch. 7 para. 2 rep.	25, s. 73 (7) (b), sch. 13 Pt. II.
c. 53	Naval Discipline Act 1957.	Expld. (<i>prosp.</i>) Restr. (meaning of "colony").	39, s. 9 (3) (4). 54, s. 4 (2) (a).
		S. 135 (1) am. (definition of "Commonwealth force"). rep. in pt. (in pt. the definition of "Governor").	54, s. 4 (2) (b). 55, s. 1 (2), sch. 1 para. 5. 55, s. 6 (3), sch. 3.
c. 56	Housing Act 1957 ...	S. 1 (1) am. (1.4.1965) ...	33, s. 21 (12), sch. 8 para. 1.
		S. 1 (2) rep. in pt. (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.
		Ss. 2 (4), 3 (2) rep. (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.
		Pts. II, III mod. (London) (1.4.1965).	33, s. 21 (8).
		S. 6 (1) (c) am. (1.4.1965).	33, s. 21 (8), sch. 8 para. 2 (a).
		S. 6 (1) (d) added (1.4.1965).	33, s. 21 (8), sch. 8 para. 2 (b).
		Ss. 15 (1) (b) rep. in pt., 41, 52 rep., 55 (1) rep. in pt., 58, 66, 71, 75 rep., 86 rep. in pt., 88, 89, 90 (7) rep. (all on 1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.
		S. 91 mod. (London) (1.4.1965).	33, s. 21 (6).
		S. 93 (3) am. (1.4.1965)...	33, s. 21 (9), (12), sch. 8 para. 3.
		Ss. 109 (4), 112 (4), 121 (4) rep. (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.
		S. 131 (2) subst. (1.4.1965).	33, s. 21 (12), sch. 8 para. 4.
		Ss. 132, 133 rep., 135 (2) rep. in pt., 135 (3) rep., 136 (1) rep. in pt., 136 (2) rep., 136 (3), 138 (1) rep. in pt. (all on 1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.
		S. 145 (1) proviso am. (1.4.1965).	33, s. 21 (12), sch. 8 para. 5.
		S. 145 (3) am. (1.4.1965)	33, s. 21 (12), sch. 8 para. 6.
		S. 146 am. (1.4.1965) ...	33, s. 21 (12), sch. 8 para. 7.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
& 6 Eliz. 2: c. 56— <i>cont.</i>	Housing Act 1957— <i>cont.</i>	S. 147 (2) rep. (London) (1.4.1965). S. 147 (5) am. (1.4.1965) S. 148 (4) added (1.4.1965). Ss. 156 rep. in pt., 157 (4) rep. in pt., 164 (4) rep. (all on 1.4.1965). S. 166 (2) am. (1.4.1965) Ss. 177, 183–186 rep. (1.4.1965). S. 189 (2) am. (1.4.1965) rep. in pt. (1.4.1965) Sch. 8 para. 6 rep. in pt. (1.4.1965). Sch. 9 para. 1 am. (1.4.1965). Sch. 9 para. 11 (c) am. (1.4.1965). Sch. 9 para. 11 (c) rep. in pt. (1.4.1965). Sch. 10 rep. so far as relating to the London Government Act 1939 (c. 40) (1.4.1965). Sch. 10 expld. so far as amdg. s. 134 of the London Government Act 1939 (c. 40).	33, s. 16 (2), sch. 6 para. 70. 33, s. 21 (12), sch. 8 para. 8. 33, s. 21 (12), sch. 8 para. 9. 33, s. 93 (1), sch. 18 Pt. II. 33, s. 21 (8), sch. 8 para. 10. 33, s. 93 (1), sch. 18 Pt. II. 33, s. 21 (12), sch. 8 para. 11. 33, s. 93 (1), sch. 18 Pt. II. 33, s. 93 (1), sch. 18 Pt. II. 33, s. 21 (12), sch. 8 para. 12. 33, s. 21 (12), sch. 8 para. 13. 33, s. 93 (1), sch. 18 Pt. II. 33, s. 93 (1), sch. 18 Pt. II. 46, s. 8 (5).
c. 57 ...	Agriculture Act 1957 ...	S. 3 ext. ...	11, s. 9 (8).
c. 60 ...	Federation of Malaya Independence Act 1957.	S. 18 am. ... S. 3 ext. ... S. 3 (1) am. (<i>prosp.</i>) ... Sch. 1 expld. ("Federation of Malaya").	11, s. 3. 35, s. 5 (2) (3). 35, s. 5 (1) (3). 35, s. 3 (2), sch. 2 para. 1.
& 7 Eliz. 2	c. 1 ...	Sch. 4 Pt. II am. (maternity grant).	7, s. 1 (4).
c. 2 ...	Expiring Laws Continuance Act 1957.	Rep. ...	30, S.L.R.
c. 6 ...	Import Duties Act 1958	S. 2 (4) expld. (<i>prosp.</i>) ... am. ...	35, s. 3 (2), sch. 2 para. 1. 54, s. 4 (4), sch. 2 para. 4. 55, s. 1 (2), sch. 1 para. 4. S.I. No. 1318.
c. 16 ...	Commonwealth Institute Act 1958.	S. 2 (4) rep. in pt. ... Sch. 2 expld. (<i>prosp.</i>) ("Federation of Malaya"). am. ...	30, S.L.R. 35, s. 3 (2), sch. 2 para. 1. 54, s. 4 (4), sch. 2 para. 13. 55, s. 1 (2), sch. 1 para. 13.

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6 & 7 Eliz. 2 —cont.			
c. 26	House of Commons (Redistribution of Seats) Act 1958.	S. 4 (3) rep. in pt. (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.
c. 31	First Offenders Act 1958	S. 1 (3) subst. (saving) by s. 1 (3)–(5).	39, s. 52 (1) (3), sch. 5.
c. 33	Disabled Persons (Employment) Act 1958.	S. 3 expld. (London) (1.4.1965).	33, s. 46 (1) (6), (8).
c. 35	Matrimonial Causes (Property and Maintenance) Act 1958.	S. 2 (4) (7) ext. Ss. 2 (8) (definition of "financial relief"), 5 expld.	45, s. 6 (3). 45, s. 6 (4).
c. 37	Drainage Rates Act 1958	S. 1 excl.... .. S. 1 (1) am. S. 1 (2) (a) rep. in pt., 1 (5) rep. in pt.	10, s. 1 (2). 25, s. 73 (7) (a), sch. 12 para. 23 (1) (2). 25, s. 73 (7) (c), sch. 13 Pt. IV.
c. 39	Maintenance Orders Act 1958.	Expld.	37, s. 30 (3).
c. 42	Housing (Financial Provisions) Act 1958.	S. 9 (4) am. (1.4.1965) Ss. 26 (2) rep. (1.4.1965), 41 (1) (2) rep. in pt. (1.4.1965). S. 54 (2) rep. (1.4.1965) S. 54 (3) rep. in pt. (1.4.1965). expld. Ss. 58 (1), 59 (4) rep. in pt. (both on 1.4.1965). Sch. 3 para. 2 (1) am (1.4.1965). Sch. 3 para. (2) (3) rep. (1.4.1965). Sch. 5 paras. 1 (2), (7), 2 (2) rep. (1.4.1965). Sch. 5 para. 1 (5) (6) expld. (London) (1.4.1965).	33, s. 21 (1)–(4), (12), sch. 8 para. 15 (a). 33, s. 93 (1), sch. 18 Pt. II. 33, s. 93 (1), sch. 18 Pt. II. 33, s. 93 (1), sch. 18 Pt. II. 46, s. 8 (5). 33, s. 93 (1), sch. 18 Pt. II. 33, s. 21 (1)–(4), (12), sch. 8 Pt. II para. 15 (b). 33, s. 93 (1), sch. 18 Pt. II. 33, s. 93 (1), sch. 18 Pt. II. 33, s. 23 (6). 33, s. 23 (6).
c. 43	Horse Breeding Act 1958	Ss. 2 (1), 3 (1), 5 (1) all rep. in pt. S. 13 am.	11, ss. 16 (4), 28 sch. Pt. II. 11, s. 16 (5).
c. 44	Dramatic and Musical Performers' Protection Act 1958.	Am. Expld. S. 1 paras. (b) (c) expld. S. 6 ext. and am. S. 7 am. excl.... .. S. 8 (1) expld. so far as defining "performance of a dramatic or musical work".	53, s. 1 (1). 53, s. 1 (2). 53, s. 2. 53, s. 3 (3). 53, s. 3 (3). 53, s. 4 (2). 53, s. 1.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
6 & 7 Eliz. 2			
c. 45	Prevention of Fraud (Investments) Act 1958.	S. 13 (1) am. S. 13 (1) (a) (i) rep. in pt. S. 13 (1) (b) subst. S. 14 (3) proviso am. S. 1 ext. (London)	16, s. 21 (1). 16, s. 1 (3). 16, s. 21 (1). 16, s. 21 (2). 33, s. 2 (4), sch. 2 para. 31.
c. 49	Trading Representations (Disabled Persons) Act 1958.	Pt. I ext. (mod.) (London) (1.4.1965).	33, s. 64 (1) (2).
c. 55	Local Government Act 1958.	S. 2 ext. S. 2 (4) saved S. 3 ext. S. 3 (1) ext. (London) (1.4.1965). S. 3 (4) expld. (London) S. 5 am. (1.4.1965) S. 5 expld. (London) S. 5 (6) am. S. 5 (7) mod. (London) (1.4.1965). S. 6 am. (1.4.1965) S. 6 mod. (London) (1.4.1965). S. 8 rep. (1.4.1965) S. 17 (1) am. S. 17 (4) rep. Ss. 23, 24 ext. (London) S. 28 (1) excl. (London) S. 28 (6) rep. Ss. 31 (3), 33 (3), 35 (4) rep. Ss. 47 (3), 52 (2) ext. (London). S. 53 rep. (1.4.1965) S. 53 (1) am. S. 53 (1) rep. in pt. S. 53 (2) rep. S. 55 (1) am. S. 55 (3) rep in pt. (1.4.1965). S. 58 ext. (London) S. 58 (2) (b) rep. (1.4.1965) S. 58 (3) am. S. 66 (1) rep. in pt. Sch. 1 expld. Sch. 1 Pt. III para. 4 mod. (London) (1.4.1965). Sch. 1 Pt. III para. 8 (3) am. (London) (1.4.1965).	37, s. 61 (1). 37, s. 61 (4) (5). 37, s. 61 (1). 33, s. 64 (3). 33, s. 31 (8). 33, s. 65 (1). 33, s. 70 (3). 33, s. 66 (2). 33, s. 65 (2). 33, s. 65 (1). 33, s. 65 (3). 33, s. 93 (1), sch. 18 Pt. II. 33, s. 3 (2) (a). 33, s. 93 (1), sch. 18 Pt. I. 33, s. 3 (2) (c). 33, ss. 3 (2) (c). 33, ss. 3 (2) (c), 93 (1), sch. 18 Pt. I. 33, s. 93 (1), sch. 18 Pt. I. 33, s. 3 (2) (d). 33, s. 93 (1), sch. 18 Pt. II. 33, s. 3 (2) (a). 33, s. 93 (1), sch. 18 Pt. I. 33, s. 3 (2) (b). 33, s. 83 (1), sch. 17 para. 18 (a). 33, s. 93 (1), sch. 18 Pt. II. 33, s. 30 (3). 33, s. 93 (1), sch. 18 Pt. II. 33, s. 83 (1), sch. 17 para. 18 (b). 33, s. 93 (1), sch. 18 Pt. I. 37, s. 59 (3). 33, s. 64 (4). 33, s. 64 (5).

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
6 & 7 Eliz. 2: c. 55— <i>cont.</i>	Local Government Act, 1958— <i>cont.</i>	Sch. 5 rep. Sch. 8 para. 2 expld. ... sch. 8 para. 2 (5) am. ...	33, s. 93 (1), sch. 18 Pt. I. 37, s. 30 (3). 33, s. 83 (1), sch. 17 para. 18 (c).
c. 56	Finance Act 1958. ...	Pt. I (ss. 1, 2) rep. ... S. 14 (2) rep. S. 17 rep. S. 34 rep. except subss. (4) and (8). S. 34 (8) am. S. 38 (2) (b) rep. S. 40 (2) (a), sch. 2 rep.... Sch. 6 para. 1 rep. in pt., Tables I and III rep. in pt. Rep. (<i>prosp.</i>)	9, s. 41 (1), sch. 4. 25, s. 73 (8) (b), sch. 14 Pt. II. 25, s. 73 (7) (b), sch. 13 Pt. I. 25, s. 73 (8) (b), sch. 14 Pt. IV. 25, s. 55 (4). 25, s. 73 (7) (c), sch. 13 Pt. IV. 9, s. 41 (1), sch. 4. 25, s. 73 (7) (b), sch. 13 Pt. I. 35, s. 6 (2), sch. 3.
c. 59	State of Singapore Act 1958.	Rep. (<i>prosp.</i>)	35, s. 6 (2), sch. 3.
c. 62	Merchant Shipping (Liabilities of Shipowners and Others) Act 1958.	Appl. in pt. (mod). ...	S.I. No. 1632.
c. 64	Local Government and Miscellaneous Financial Provisions (Scotland) Act 1958.	S. 2 ext. S. 2 (2) saved S. 3 ext. S. 7 (1) rep. (16.5.1966)... S. 7 (6)–(8) rep. Ss. 9 rep., 21 (3) rep. in pt. Sch. 1 expld. Sch. 2 para. 5. Power to am. Sch. 2 para. 5 am. Sch. 2 para. 6 rep.	37, s. 62 (1). 37, s. 62 (4) (5). 37, s. 62 (1). 12, s. 27, sch. 3 Pt. III. 12, s. 27, sch. 3 Pt. I. 12, s. 27, sch. 3 Pt. I. 37, s. 59 (3). 12, s. 8 (1) (3) (4). 12, s. 8 (2). 12, s. 27, sch. 3 Pt. I.
c. 65	Children Act 1958 ...	Pt. I expld. (1.4.1965) ...	33, s. 47 (1) (3).
c. 66	Tribunals and Inquiries Act 1958.	S. 7 ext. (E.) S. 9 appl. (mod.)	37, s. 23. S.I. No. 1496.
c. 67	Water Act 1958	Ext. (mod.) (London) (1.4.1965). S. 4 (1) ext.	33, s. 40, sch. 11 Pt. I paras. 1, 2. 38, s. 128 (3).
c. 69	Opencast Coal Act 1958	S. 51 (1) rep. (<i>prosp.</i>) so far as defining "river board."	38, s. 136 (2), sch. 14 Pt. I.
c. 70	Slaughterhouses Act 1958	S. 4 (1) (2) mod. (London) (1.4.1965). S. 4 (3) excl. (London) (1.4.1965). S. 6 mod. (London) (1.4.1965). S. 13 expld. (London) (1.4.1965). S. 14 (1) (2) rep. (1.4.1965), 14 (3) rep. in pt. (1.4.1965), 14 (4) rep. (1.4.1965).	33, s. 54 (2). 33, s. 54 (2). 33, s. 54 (2). 33, s. 54 (1). 33, s. 93 (1), sch. 18 Pt. II.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
& 8 Eliz. 2: c. 4	Expiring Laws Continuance Act 1958.	Rep.	30, S.L.R.
c. 5	Adoption Act 1958 ...	Expld. (London) (1.4.1965). S. 9 (3) (5) am. S. 11 (2) (3) am. S. 43 ext. (E.) S. 52 excl. S. 15 (1) rep. in pt. (<i>prosp.</i>)	33, s. 47 (1), (3). 37, s. 54 (1). 37, s. 54. 37, s. 23. 37, s. 55. 25, s. 73 (8) (b), sch. 14 Pt. VII.
c. 6	National Debt Act 1958	S. 15 (1) rep. in pt. (<i>prosp.</i>)	25, s. 73 (8) (b), sch. 14 Pt. VII.
c. 8	Slaughter of Animals Act 1958.	S. 10 am. (definition of "local authority") (1.4.1965). Ss. 11 (1) rep. 11 (2) rep. in pt., 11 (3) rep. (all on 1.4.1965).	33, s. 54, sch. 13 Pt. III. 33, s. 93 (1), sch. 18 Pt. II.
c. 19	Emergency Laws (Repeal) Act 1959.	Sch. 3 para. 3 expld. (<i>prosp.</i>) ("excepted ship or aircraft" registered in the Federation of Malaya). am. }	35, s. 3 (2), sch. 2 para. 1. 54, s. 4 (4), sch. 2 para. 9. 55, s. 1 (2), sch. 1 para. 9.
c. 20	Electricity (Borrowing Powers) Act 1959.	Rep.	59, s. 4 (2), sch. 2.
c. 22	County Courts Act 1959	S. 48 (1) am. S. 49 (1) am. S. 51 (a) (b) am. S. 61 (2) (d) rep. S. 109 (2) (a) (b) am. S. 191 (3) am. S. 200 (2) rep. in pt. excl. Sch. 1 am. so far as relating to ss. 146 and 147 of the Law of Property Act 1925 (c. 20).	5, s. 1 (1). 5, s. 1 (2). 5, s. 1 (1). 30, S.L.R. 5, s. 2 (1). 5, s. 1 (1). 5, s. 3 (1). 5, s. 3 (2). 5, s. 1 (1).
c. 23	Overseas Resources Development Act 1959.	Ext. S. 1 am. S. 5 (1) (3) (4) rep. Ss. 8, 9 (2) (b) excl.	40, s. 1. 40, s. 1 (2). 40, s. 1 (5). 40, s. 1 (3).
c. 24	Building (Scotland) Act 1959.	Apptd. day for <i>prosp.</i> provisions (15.6.1964).	S.I. No. 1896.
c. 25	Highways Act 1959 ...	S. 1 (2) am. (1.4.1965) ... S. 2 para. (c) added (1.4.1965). S. 3 (1) am. (1.4.1965) ... S. 7 mod. (London) ... S. 8 (2) (b) (c) am. (1.4.1965). S. 10 (1) rep. in pt. (1.4.1965). S. 10 (1) am. (1.4.1965) S. 10 (4) am. (1.4.1965)	33, s. 16 (2), sch. 6 para. 1. 33, s. 16 (2), sch. 6 para. 2. 33, s. 16 (2), sch. 6 para. 3. 33, s. 17 (6). 33, s. 16 (2), sch. 6 para. 4. 33, s. 93 (1), sch. 18 Pt. II. 33, s. 16 (2), sch. 6 para. 5 (1). 33, s. 16 (2), sch. 6 para. 5 (2).

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7 & 8 Eliz. 2: c. 25— <i>cont.</i>	Highways Act 1959— <i>cont.</i>	S. 13 (6) am. (1.4.1965) S. 21 (1) am. (1.4.1965) S. 26 (1) am. (1.4.1965) S. 26 (2) mod. (London) (1.4.1965). S. 29 (5) added (1.4.1965) S. 30 (6) am. (1.4.1965) S. 34 (12) added (1.4.1965) S. 37 am. (1.4.1965) ... S. 38 (2) (c) am. (1.4.1965) S. 38 (7) added (1.4.1965) S. 39 (1) rep. in pt. (1.4.1965). S. 40 (4) am. (1.4.1965) S. 42 rep. (1.4.1965) ... S. 43 am. (1.4.1965) ... S. 48 (5) am. (1.4.1965)... S. 48 (6) am. (1.4.1965)... S. 48 (9) am. (1.4.1965)... S. 50 (2) am. (1.4.1965)... S. 59 (1) rep. in pt. (1.4.1965). S. 60 (5) added (1.4.1965). S. 65 (6) added (1.4.1965). S. 67 (7) added (1.4.1965). S. 69 (4) added (1.4.1965). S. 75 (5) added (1.4.1965). S. 76 (4) am. (1.4.1965). S. 85 (4) (aa) added (1.4.1965). S. 85 (5) am. (1.4.1965)... S. 101 (2) (d) (e) added (1.4.1965).	33, s. 16 (2), sch. 6 para. 6. 33, s. 16 (2), sch. 6 para. 7. 33, s. 16 (2), sch. 6 para. 8. 33, s. 16 (3) (4). 33, s. 16 (2), sch. 6 para. 9. 33, s. 16 (2), sch. 6 para. 10. 33, s. 16 (2), sch. 6 para. 11. 33, s. 16 (2), sch. 6 para. 12. 33, s. 16 (2), sch. 6 para. 13 (1). 33, s. 16 (2), sch. 6 para. 13 (2). 33, ss. 16 (2), 93 (1), schs. 6 para. 14, 18 Pt. II. 33, s. 16 (2), sch. 6 para. 15. 33, ss. 16 (2), 93 (1), schs. 6 para. 16, 18 Pt. II. 33, s. 16 (2), sch. 6 para. 17. 33, s. 16 (2), sch. 6 para. 18 (1). 33, s. 16 (2), sch. 6 para. 18 (2). 33, s. 16 (2), sch. 6 para. 18 (3). 33, s. 16 (2), sch. 6 para. 19. 33, s. 93 (1), sch. 18 Pt. II. 33, s. 16 (2), sch. 6 para. 20. 33, s. 16 (2), sch. 6 para. 21. 33, s. 16 (2), sch. 6 para. 22. 33, s. 16 (2), sch. 6 para. 23. 33, s. 16 (2), sch. 6 para. 24. 33, s. 16 (2), sch. 6 para. 25. 33, s. 16 (2), sch. 6 para. 26 (1). 33, s. 16 (2), sch. 6 para. 26 (2). 33, s. 16 (2), sch. 6 para. 27.

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8 Eliz. 2: c. 25— <i>cont.</i>	Highways Act 1959— <i>cont.</i>	<p>S. 108 expld. (London) (1.4.1965).</p> <p>S. 108 (10) (<i>aa</i>) added (1.4.1965).</p> <p>S. 112 (2) (<i>d</i>) added (1.4.1965).</p> <p>S. 116 (2) subst. (1.4.1965).</p> <p>S. 118 (2) am. (1.4.1965).</p> <p>S. 130 (4) am. (1.4.1965).</p> <p>S. 132 (9) added (1.4.1965).</p> <p>S. 133 (5) added (1.4.1965).</p> <p>S. 136 (4) appl. (London) (1.4.1965).</p> <p>S. 136 (6) (7) appl. (London) (1.4.1965).</p> <p>S. 137 mod. (London) (1.4.1965).</p> <p>S. 137 (1) (3) (5) (6) am. (1.4.1965).</p> <p>S. 138 am. (1.4.1965) ...</p> <p style="padding-left: 40px;">mod. (London) (1.4.1965).</p> <p>S. 138 (3A) added (1.4.1965).</p> <p>S. 139 (1) am. (1.4.1965)</p> <p>S. 142 (5) am. (1.4.1965)</p> <p>S. 143 (5) am. (1.4.1965)</p> <p>S. 146 (1) am. (1.4.1965)</p> <p>S. 148 (1) am. (1.4.1965)</p> <p>S. 149 (1) am. (1.4.1965)</p> <p>S. 153 mod. (London) (1.4.1965).</p> <p>S. 154 (1) am. (1.4.1965)</p> <p>S. 155 (11) am. (1.4.1965)</p> <p>S. 157 (9) added (1.4.1965).</p> <p>S. 159 (8) (<i>b</i>) subst. (1.4.1965).</p> <p>S. 163 (7) added (1.4.1965).</p> <p>S. 164 (1) am. (1.4.1965)</p> <p>S. 165 (4) added (1.4.1965)</p>	<p>33, s. 24 (8) (<i>a</i>).</p> <p>33, s. 16 (2), sch. 6 para. 28.</p> <p>33, s. 16 (2), sch. 6 para. 29.</p> <p>33, s. 16 (2), sch. 6 para. 30.</p> <p>33, s. 16 (2), sch. 6 para. 31.</p> <p>33, s. 16 (2), sch. 6 para. 32.</p> <p>33, s. 16 (2), sch. 6 para. 33.</p> <p>33, s. 16 (2), sch. 6 para. 34.</p> <p>33, s. 14 (4).</p> <p>33, s. 14 (4).</p> <p>33, s. 14 (1) (3).</p> <p>33, s. 16 (2), sch. 6 para. 35.</p> <p>33, s. 16 (2), sch. 6 para. 36 (<i>a</i>) (<i>b</i>).</p> <p>33, s. 14 (1) (3).</p> <p>33, s. 16 (2), sch. 6 para. 36 (<i>c</i>).</p> <p>33, s. 16 (2), sch. 6 para. 37.</p> <p>33, s. 16 (2), sch. 6 para. 38.</p> <p>33, s. 16 (2), sch. 6 para. 39.</p> <p>33, s. 16 (2), sch. 6 para. 40.</p> <p>33, s. 16 (2), sch. 6 para. 41.</p> <p>33, s. 16 (2), sch. 6 para. 42.</p> <p>33, s. 16 (2).</p> <p>33, s. 16 (2), sch. 6 para. 43.</p> <p>33, s. 16 (2), sch. 6 para. 44.</p> <p>33, s. 16 (2), sch. 6 para. 45.</p> <p>33, s. 16 (2), sch. 6 para. 46.</p> <p>33, s. 16 (2), sch. 6 para. 47.</p> <p>33, s. 16 (2), sch. 6 para. 48.</p> <p>33, s. 16 (2), sch. 6 para. 49.</p>

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
7 & 8 Eliz. 2: c. 25— <i>cont.</i>	Highways Act 1959— <i>cont.</i>	<p>S. 166 (6) (<i>b</i>) subst. (1.4.1965).</p> <p>S. 167 (8) added (1.4.1965).</p> <p>S. 170 (3) am. (1.4.1965)</p> <p>S. 173 (1) am. (1.4.1965)</p> <p>S. 173 (2) am. (1.4.1965)</p> <p>S. 173 (3) am. (1.4.1965)</p> <p>S. 192 (3) (<i>i</i>) am. (1.4.1965).</p> <p>S. 204 (1) am. (1.4.1965).</p> <p>S. 206 (9) am. (1.4.1965)</p> <p>S. 213 (2) am. (1.4.1965)</p> <p>S. 213 (3) am. (1.4.1965)</p> <p>S. 213 (4) am. (1.4.1965)</p> <p>S. 214 (7) (<i>aa</i>) added (1.4.1965).</p> <p>S. 223 (2) (<i>aa</i>) added (1.4.1965).</p> <p>S. 233 (1) am. (1.4.1965)</p> <p>S. 236 (1) (<i>d</i>) rep. (1.4.1965).</p> <p>S. 238 (1) am. (1.4.1965)</p> <p>S. 238 (3) am. (1.4.1965)</p> <p>S. 239 (2) am. (1.4.1965)</p> <p>S. 244 (3) expld. ...</p> <p>S. 252 (1) am. (1.4.1965)</p> <p>S. 252 (2) am. (1.4.1965)</p> <p>S. 257 (1) am. (1.4.1965)</p> <p>S. 276 (10) added (1.4.1965).</p> <p>S. 286 (2) am. (1.4.1965)</p> <p>S. 291 (1) (2), (4)–(12) rep. (1.4.1965).</p> <p>S. 295 (1) am. (1.4.1965)</p> <p>rep. in pt. (1.4.1965).</p> <p>S. 295 (3), (4A) rep. (1.4.1965).</p> <p>S. 297 am. (1.4.1965) ...</p>	<p>33, s. 16 (2), sch. 6 para. 50.</p> <p>33, s. 16 (2), sch. 6 para. 51.</p> <p>33, s. 16 (2), sch. 6 para. 52.</p> <p>33, s. 16 (2), sch. 6 para. 53 (1).</p> <p>33, s. 16 (2), sch. 6 para. 53 (2).</p> <p>33, s. 16 (2), sch. 6 para. 53 (3).</p> <p>33, s. 16 (2), sch. 6 para. 54.</p> <p>33, s. 16 (2), sch. 6 para. 55.</p> <p>33, s. 16 (2), sch. 6 para. 56.</p> <p>33, s. 16 (2), sch. 6 para. 57 (1).</p> <p>33, s. 57 (2).</p> <p>33, s. 16 (2), sch. 6 para. 57 (3).</p> <p>33, s. 16 (2), sch. 6 para. 58.</p> <p>33, s. 16 (2), sch. 6 para. 59.</p> <p>33, s. 16 (2), sch. 6 para. 60.</p> <p>33, s. 93 (1), sch. 18 Pt. II.</p> <p>33, s. 16 (2), sch. 6 para. 61 (1).</p> <p>33, s. 16 (2), sch. 6 para. 61 (2).</p> <p>33, s. 16 (2), sch. 6 para. 62.</p> <p>46, ss. 7 (4), 8 (5), 10 (5).</p> <p>33, s. 16 (2), sch. 6 para. 63 (1).</p> <p>33, s. 16 (2), sch. 6 para. 63 (2).</p> <p>33, s. 16 (2), sch. 6 para. 64.</p> <p>33, s. 16 (2), sch. 6 para. 65.</p> <p>33, s. 16 (2), sch. 6 para. 66.</p> <p>33, ss. 16 (2), 93 (1), schs. 6 para. 67, 18 Pt. II.</p> <p>33, s. 16 (2), sch. 6 para. 68.</p> <p>33, s. 93 (1), sch. 18 Pt. II.</p> <p>33, s. 93 (1), sch. 18 Pt. II.</p> <p>33, s. 16 (2), sch. 6 para. 69.</p>

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7 & 8 Eliz. 2: c. 25— <i>cont.</i>	Highways Act 1959— <i>cont.</i>	S. 312 (2) ext. (London) (1.4.1965). S. 312 (3) rep. (1.4.1965)	33, s. 16 (2), sch. 6 para. 70. 33, 16 (2), 93 (1), schs. 6 para. 70, 18 Pt. II.
		S. 312 (5) am. (1.4.1965)	33, 16 (2), sch. 6 para. 71.
		S. 313 (3) rep. (1.4.1965)	33, s. 93 (1), sch. 18 Pt. II.
		Sch. 1 para. 3, table am. (1.4.1965).	33, s. 16 (2), sch. 6 para. 72.
		Sch. 1 para. 8 (a) am. (1.4.1965).	33, s. 16 (2), sch. 6 para. 73.
		Sch. 2 expld. (London) (1.4.1965).	33, s. 24 (8) (a).
		Sch. 7 para. 1 (3) (b) (i) am. (1.4.1965).	33, s. 16 (2), sch. 6 para. 74.
		Sch. 7 para. 3 (3) (a) am. (1.4.1965).	33, s. 16 (2), sch. 6 para. 75.
		Sch. 9 para. 1 am. (1.4.1965).	33, s. 16 (2), sch. 6 para. 76.
		Sch. 12 expld. (London) (1.4.1965).	33, s. 24 (8).
		Sch. 19 am. (1.4.1965) ...	33, s. 16 (2), sch. 6 para. 77.
		Sch. 20 rep. (1.4.1965) ...	33, s. 93 (1), sch. 18 Pt. II.
		Sch. 24 restr. (London) (1.4.1965).	33, s. 16 (2), sch. 6 para. 78.
		Sch. 26 rep. (1.4.1965) ...	33, s. 93 (1), sch. 18 Pt. II.
c. 33 ...	House Purchase and Housing Act 1959.	S. 2 (2) (a) expld. (London) (1.4.1965).	33, s. 21 (1)–(4), (12), sch. 8 para. 16 (a).
		S. 13 (4) am. (1.4.1965)...	33, s. 21 (1)–(4), (12), sch. 8 para. 16 (b).
c. 44 ...	Fire Services Act 1959...	Expld. (London) (1.4.1965)	33, s. 48 (1).
c. 47 ...	National Insurance Act 1959.	Expld. (E.) ...	38, s. 96 (3).
		S. 1 (1) (b) am. ...	7, s. 3 (1).
		S. 1 (2) (b) am. ...	7, s. 1 (2).
		S. 1 (3) (c) rep. ...	7, s. 8 (4), sch. 5.
		S. 7 (2) (a) expld. ...	7, s. 3 (3).
		S. 7 (3) expld. ...	7, s. 3 (5).
		S. 7 (3) (a) am. ...	7, s. 3 (4).
		S. 7 (5) am. ...	7, s. 3 (4).
		S. 8 (1) (d) am. ...	7, s. 3 (2).
		S. 8 (1) (d). Power to am.	7, s. 3 (2).
c. 49 ...	Chevening Estate Act 1959.	S. 2 (1) rep. in pt., 2 (3) (4) rep.	25, s. 73 (7) (b), sch. 13 Pt. I.
c. 51 ...	Licensing (Scotland) Act 1959.	S. 148 rep. (31.7.1965) ...	31, s. 63 (1) (b), sch. 9 Pt. II.
c. 53 ...	Town and Country Plan- ning Act 1959.	Pt. II expld. (London) (1.4.1965).	33, s. 83 (1), sch. 17 para. 20 (a).
		S. 30 (6) rep. ...	29, s. 8, sch.
		S. 57 (1) rep. in pt. ...	29, s. 8, sch.
		S. 57 (11) am. (1.4.1965)	33, s. 83 (1), sch. 17 para. 20 (b).
		S. 57 (11) (b) (c) rep. (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.

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7 & 8 Eliz. 2: c. 53— <i>cont.</i>	Town and Country Planning Act 1959— <i>cont.</i>	Sch. 4 Pt. I para. 1 rep. in pt. (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.
c. 58	Finance Act 1959 ...	Sch. 4 Pt. I paras. 10, 11 am. (<i>prosp.</i>). Pt. II (ss. 15, 16) rep. ... S. 21 (4) am. S. 27 rep. S. 31 rep. S. 37 (2) (b) rep. Ext. (E.)	38, s. 136 (1), sch. 13 para. 10. 9, s. 41 (1), sch. 4. 25, s. 33. 25, s. 73 (8) (b), sch. 14 Pt. II. 25, s. 73 (8) (b), sch. 14 Pt. IV. 9, s. 41 (1), sch. 4. 47, s. 3 (2) (6).
c. 65	Fatal Accidents Act 1959	Pt. I (ss. 1–22) rep. exc. ss. 14–16.	51, s. 47 (3), sch. 4.
c. 70	Town and Country Planning (Scotland) Act 1959.	Pt. IV (ss. 38–42) mod.... S. 31 (4) (f) rep. S. 54 appl.	51, s. 17, sch. 2 para. 1 (1). 51, s. 47 (3), sch. 4. 11, s. 22 (4), (5) (c).
c. 71	Colonial Development and Welfare Act 1959.	Schs. 1–3 rep., 7 rep. so far as relating to s. 51 of the Town and Country Planning Act 1947 (c. 53), and to s. 62 (8) of the Town and Country Planning (Scotland) Act 1954 (c. 73). S. 1 mod. restr. S. 2 restr. S. 4 superseded S. 6 (2) am. S. 9 saved	40, s. 2 (1). 54, s. 5 (1). 54, s. 5 (2). 40, s. 2 (2). 40, s. 2 (3). 55, s. 1 (2), sch. 1 para. 14.
c. 72	Mental Health Act 1959	Ss. 14–18, 23 ext. (mod.) (London) (1.4.1965). S. 24 rep. (1.4.1965) ... Ss. 61 (1) rep. in pt. 61 (2) rep., 61 (3) rep. in pt., 62 (4) rep. in pt. S. 67 ext. S. 70 (2) rep. in pt. S. 72 (6) (a) am. S. 75 (2) am. S. 79 ext. Sch. 7 Pt. I rep. in pt. (1.4.1965).	33, s. 40, sch. 11 Pt. I paras. 1.2 33, s. 93 (1), sch. 18 Pt. II. 37, s. 64 (3), sch. 5. 37, ss. 19, 20. 37, s. 64 (3), sch. 5. 37, s. 64 (1), sch. 3 para. 48. 37, s. 64 (1), sch. 3 para. 49. 37, s. 11 (2), (4). 33, s. 93 (1), sch. 18 Pt. II.
C.A.M. No. 1	Truro Cathedral Measure 1959.	Ss. 7–9 rep.	C.A.M. No. 2 s. 54 (1), sch. 2
C.A.M. No. 2	Vacancies in Sees Measure 1959.	S. 6 rep.	C.A.M. No. 2 s. 54 (1), sch. 2
C.A.M. No. 3	Guildford Cathedral Measure 1959.	Rep., except s. 2, except s. 9 so far as defining "cathedral church", and except s. 11.	C.A.M. No. 2 s. 54 (1), sch. 2

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& 9 Eliz. 2: c. 4	Expiring Laws Continuance Act 1959.	Rep.	30, S.L.R.
c. 6	Commonwealth Scholarships Act 1959.	S. 1 am.	6, s. 1.
c. 16	Road Traffic Act 1960 ...	S. 2 rep. in pt.	6, s. 2.
		Am. (London) (1.4.1965)	33, s. 9 (6).
		Pt. II expld. (London) (1.4.1965).	33, s. 20 (2).
		S. 17 (5) am. (1.4.1965)	33, ss. 14 (6), 15 (1), sch. 5 Pt. I para. 1.
		S. 21 mod. (London) (1.4.1965).	33, s. 14 (1) (3).
		S. 21 (1) (2) am. (1.4.1965)	33, s. 15 (1), sch. 5 Pt. I para. 2.
		S. 21 (3) rep. in pt. (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.
		S. 21 (4) rep. in pt. (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.
		S. 21 (5) am. (1.4.1965)	33, s. 15 (1), sch. 5 Pt. I para. 2 (3).
		S. 22 (5) am. (1.4.1965)	33, s. 15 (1), sch. 5 Pt. I para. 3.
		S. 26 (1) am. (1.4.1965)	33, s. 15 (1), sch. 5 Pt. I para. 4.
		Ss. 30-33 rep. (1.4.1965)	33, s. 93 (1), sch. 18 Pt. II.
		S. 34 (1) am. (1.4.1965)	33, ss. 10 (2), 15 (1), sch. 5 Pt. I para. 5 (1).
		S. 34 (2) am. (1.4.1965)	33, s. 15 (1), sch. 5 Pt. I para. 5 (2).
		S. 34 (3) am. (1.4.1965)	33, s. 15 (1), sch. 5 Pt. I para. 5 (3).
		S. 34 (4) am. (1.4.1965)	33, s. 15 (1), sch. 5 Pt. I para. 5 (4).
		S. 34 (5) rep. (1.4.1965)	33, s. 93 (1), sch. 18 Pt. II.
		S. 34 (6) (7) am. (1.4.1965)	33, s. 15 (1), sch. 5 Pt. I para. 5 (4).
		S. 34 restr. (London) (1.4.1965).	33, s. 10 (2).
		S. 34 (2)-(4), (7)-(9) ext. (Greater London) (1.4.1965).	33, s. 10 (3).
		S. 35 restr. (London) (1.4.1965).	33, s. 11 (7).
		S. 35 (1) am. (1.4.1965)	33, ss. 11 (7), 15 (1), sch. 5 Pt. I para. 6 (1).
		S. 35 (1A) added (1.4.1965).	33, s. 15 (1), sch. 5 para. 6 (2).
		S. 35 (4) am. (1.4.1965)	33, s. 15 (1), sch. 5 Pt. I para. 6 (3).

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8 & 9 Eliz. 2: c. 16— <i>cont.</i>	Road Traffic Act 1960 — <i>cont.</i>	S. 35 (5) am. (1.4.1965)	33, ss. 11 (7), 15 (1), sch. 5 Pt. I para. 6 (4).
		S. 35 (7) am. (1.4.1965)	33, s. 15 (1), sch. 5 Pt. I para. 6 (5).
		S. 39 (2) am. (1.4.1965)	33, s. 15 (1), sch. 5 Pt. I para. 7.
		S. 44 (6) am. (1.4.1965)	33, s. 15 (1), sch. 5 Pt. I para. 8 (1).
		S. 44 (7A) added (1.4.1965).	33, ss. 14 (5), 15 (1), sch. 5 Pt. I para. 8 (2).
		S. 44 (8) am. (1.4.1965)	33, s. 15 (1), sch. 5 Pt. I para. 8 (3).
		S. 49 mod. (London) (1.4.1965).	33, s. 14 (1) (3).
		S. 49 (1) rep. in pt. (1.4.1965).	33, ss. 15 (1), 93 (1), schs. 5 Pt. I para. 9 (1), 18 Pt. II.
		S. 49 (9) added (1.4.1965)	33, ss. 14 (6), 15 (1), sch. 5 Pt. I para. 9 (2).
		S. 50 (mod. (London) (1.4.1965). am. (1.4.1965).	33, s. 14 (1) (3).
		S. 52 ext. (London) (1.4.1965).	33, s. 15 (1), sch. 5 Pt. I para. 10.
		S. 60 (2) am. (1.4.1965)	33, s. 12 (1).
		S. 63 ext. (London) (1.4.1965).	33, s. 15 (1), sch. 5 Pt. I para. 11.
		S. 63 (1) am. (1.4.1965)	33, s. 12 (8).
		S. 65 (3) am. (1.4.1965) ...	33, s. 15 (1), sch. 5 Pt. I para. 12.
		S. 66 (2) am. ...	33, ss. 14 (6) (c), 15 (1), sch. 5 Pt. I para. 13.
		S. 75 (3) am. (1.4.1965)	S.I. No. 404.
		S. 79 (1) am. (1.4.1965)	33, s. 15 (1), sch. 5 Pt. I para. 14.
		S. 80 (1) am. (1.4.1965)	33, s. 15 (1), sch. 5 Pt. I para. 15.
		S. 81 ext. (London) (1.4.1965).	33, s. 15 (1), sch. 5 Pt. I para. 16.
S. 81 (1) am. (1.4.1965)	33, s. 13 (1).		
rep. in pt. (1.4.1965).	33, s. 15 (1), sch. 5 Pt. I para. 17 (1).		
S. 81 (16) (a) am. (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.		
S. 81 (16A) added (1.4.1965).	33, s. 15 (1), sch. 5 Pt. I para. 17 (2).		
S. 81 (16A) added (1.4.1965).	33, s. 15 (1), sch. 5 Pt. I para. 17 (3).		

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& 9 Eliz. 2: c. 16— <i>cont.</i>	Road Traffic Act 1960 — <i>cont.</i>	S. 85 (1) am. (1.4.1965)	33, ss. 13 (2), 15 (1), sch. 5 Pt. I para. 18 (1).
		mod. (1.4.1965)	33, s. 13 (4).
		S. 85 (4) am. (1.4.1965)	33, s. 15 (1), sch. 5 Pt. I para. 18 (2).
		rep. in pt. (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.
		S. 85 (5) am. (1.4.1965)	33, ss. 13 (2), 15 (1), sch. 5 Pt. I para. 18 (3).
		S. 85 (10) am. (1.4.1965)	33, s. 15 (1), sch. 5 Pt. I para. 18 (4).
		S. 86 am. (1.4.1965) ...	33, ss. 13 (2), 15 (1), sch. 5 Pt. I para. 19.
		S. 87 am. (1.4.1965) ...	33, ss. 13 (2), 15 (1), sch. 5 Pt. I para. 20.
		S. 88 (1) am. (1.4.1965)	33, s. 15 (1), sch. 5 Pt. I para. 21.
		S. 89 (3) (c) am. (1.4.1965)	33, s. 15 (1), sch. 5 Pt. I para. 22.
		S. 89 (4) rep. (1.4.1965)	33, s. 93 (1), sch. 18 Pt. II.
		S. 90 (3) am. (1.4.1965)	33, s. 15 (1), sch. 5 Pt. I para. 23 (1).
		S. 90 (8) added (1.4.1965)	33, s. 15 (1), sch. 5 Pt. I para. 23 (2).
		S. 101 (1) am. (1.4.1965)	33, s. 15 (1), sch. 5 Pt. I para. 24.
		S. 120 (3) rep. (1.4.1965)	33, s. 93 (1), sch. 18 Pt. II.
		S. 135 (9) added (1.4.1965)	33, ss. 14 (6) (d), 15 (1), sch. 5 Pt. I para. 25.
		S. 141 (9) added (1.4.1965)	33, ss. 14 (6) (d), 15 (1), sch. 5 Pt. I para. 26.
		S. 150 rep. in pt. (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.
		S. 202 (2) (a) am. (1.4.1965).	33, ss. 14 (6) (d), 15 (1), sch. 5 Pt. I para. 27.
		S. 220 (6) am. (1.4.1965)	33, s. 15 (1), sch. 5 Pt. I para. 28.
S. 221 (3) am. (1.4.1965)	33, ss. 14 (6) (d), 15 (1), sch. 5 Pt. I para. 29.		
S. 248 rep. in pt. (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.		
S. 248 am. (1.4.1965) ...	33, s. 15 (1), sch. 5 Pt. I para. 30.		
S. 249 (1) am. (1.4.1965)	33, s. 15 (1), sch. 5 Pt. I para. 31.		
S. 252 (1) rep. in pt. (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.		

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
8 & 9 Eliz. 2: c. 16— <i>cont.</i>	Road Traffic Act 1960 — <i>cont.</i>	S. 252 (2) rep. in pt. (1.4.1965). S. 253 (4) mod. S. 253 (5) mod. S. 257 (1) am. (1.4.1965) S. 260 (2) rep. in pt. (1.4.1965). S. 265 (1) rep. in pt. (1.4.1965). Sch. 1 am. Schs. 2, 3 rep. (1.4.1965) Sch. 4 para. 11 am. (1.4.1965). Sch. 4 para. 16 rep. (1.4.1965). Sch. 8 para. 1 am. (1.4.1965). Sch. 10. Power to mod. (1.4.1965). Sch. 10 Pt. II appl. (London) (1.4.1965). Sch. 10 para. 3 subst. (1.4.1965). Sch. 10 para. 5 (1) am. (1.4.1965). Sch. 10 para. 7 subst. (1.4.1965). Sch. 10 Pt. III rep. (1.4.1965). Sch. 17 rep. in pt. (1.4.1965). Sch. 19 para. 15 rep. (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II. S.I. No. 1026, reg. 2 (2). S.I. No. 1553, reg. 2. 33, s. 15 (1), sch. 5 Pt. I para. 32. 33, s. 93 (1), sch. 18 Pt. II. 33, s. 93 (1), sch. 18 Pt. II. S.I. No. 204. 33, s. 93 (1), sch. 18 Pt. II. 33, s. 15 (1), sch. 5 Pt. I para. 33. 33, ss. 10 (1), 93 (1), sch. 18 Pt. II. 33, s. 15 (1), sch. 5 Pt. I para. 34. 33, s. 13 (7). 33, s. 13 (3) (b). 33, s. 15 (1), sch. 5 Pt. I para. 35 (a). 33, s. 15 (1), sch. 5 Pt. I para. 35 (b). 33, s. 15 (1), sch. 5 Pt. I para. 35 (c). 33, s. 93 (1), sch. 18 Pt. II. 33, s. 93 (1), sch. 18 Pt. II. 33, s. 93 (1), sch. 18 Pt. II.
c. 18	Local Employment Act 1960.	Pt. 1 ext. S. 2 ext. S. 3 am. S. 3 (2) rep. S. 5 ext. S. 14 (1) (a) saved S. 24 ext. Am.	19, s. 1 (2). 19, s. 3. 19, s. 2. 19, s. 2 (1). 19, s. 3. 19, s. 3. 15, s. 1 (6). 39, s. 17.
s. 23	First Offenders (Scotland) Act 1960.	S. 1 (1) (2) am. (3) subst. (saving) by s. 1 (3) (3A) (3B) (3C). S. 1 (4) rep. (saving)	39, s. 52 (1) (3), sch. 5. 39, s. 52 (2) (3), sch. 6.
c. 27	Gas Act 1960	S. 1 rep.	59, s. 4 (2), sch. 2
c. 34	Radioactive Substances Act 1960.	Sch. 1 para. 4 rep. (1.4.1965). Sch. 1 para. 8A added (<i>prosp.</i>)	33, s. 93 (1), sch. 18 Pt. II. 38, s. 136 (1), sch. 13 para. 11.

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8 & 9 Eliz. 2:			
c. 37 —cont.	Payment of Wages Act 1960.	Apptd. day for s. 1 (3) (d) (1.3.1965).	S.I. No. 19.
c. 38	Civil Aviation (Licensing) Act 1960.	S. 2 (7) rep. in pt. (<i>prosp.</i>)	35, s. 6 (2), sch. 3.
		S. 2 (7) (b) restr.	35, s. 3 (2), sch. 2 para. 2. 54, s. 4 (4), sch. 2, para. 12. 55, s. 1 (2), sch. 1, para. 12.
c. 44	Finance Act 1960	S. 6 rep.	25, s. 73 (8) (a), sch. 14 Pt. I.
		S. 9 (4) rep. in pt.	25, ss. 8 (1), 73 (8) (a), sch. 14 Pt. I.
		S. 39 (3) rep.	25, s. 73 (7) (b), sch. 13 Pt. I.
		S. 72 (2) (b) am.	25, s. 73 (7) (a), sch. 12 para. 18.
		S. 72 (3) am.	25, s. 73 (7) (a), sch. 12 para. 18.
		rep. in pt.	25, s. 73 (7) (b), sch. 13 Pt. I.
		S. 72 (4) (b) am.	25, s. 73 (7) (a), sch. 12 para. 18.
		S. 72 (5) rep.	25, s. 73 (7) (b), sch. 13 Pt. I.
		S. 72 (7) am.	25, s. 73 (7) (a), sch. 12 para. 18.
		rep. in pt.	25, s. 73 (7) (b), sch. 13 Pt. I.
		S. 72 (8) am.	25, s. 73 (7) (a), sch. 12 para. 18.
		rep. in pt.	25, s. 73 (7) (b), sch. 13 Pt. I.
		S. 72 (11) rep. in pt.	25, s. 73 (7) (b), sch. 13 Pt. I.
		Ss. 75, 76 rep.	9, s. 41 (1), sch. 4.
		S. 78 rep.	25, ss. 70 (4), 73 (8) (b), sch. 14 Pt. VIII.
		S. 79 (3) (e) rep.	9, s. 41 (1), sch. 4.
		Sch. 2 Pt. II para. 2 (1) am.	25, s. 8 (2).
		Sch. 2 Pt. II para. 3 am.	25, s. 8 (2).
		rep. in pt.	25, ss. 8 (1), 73 (8) (a), sch. 14 Pt. I.
		Sch. 3 Pt. I am....	25, s. 12 (8).
		Sch. 3 Pt. II para. 2 am....	25, s. 12 (8).
		Sch. 4 para. 7 mod.	25, s. 25, sch. 6 para. 7.
		Sch. 6 am.	25, ss. 17 (2), 18 (2).
c. 47	Offices Act 1960	Rep. (<i>prosp.</i>)	41, s. 91 (4), sch. 2.

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8 & 9 Eliz. 2 —cont.			
c. 48	Matrimonial Proceedings (Magistrates' Courts) Act 1960.	S. 8 (2) (b) (ii) expld. ...	45, s. 2 (1).
c. 54	Clean Rivers (Estuaries and Tidal Waters) Act 1960.	S. 1 (5) rep. (<i>prosp.</i>) ...	38, s. 136 (2), sch. 14 Pt. I.
c. 58	Charities Act 1960 ...	Ss. 6, 10-12 appl. (mod.) (London), sch. 3 expld. (London). Ss. 6 (8), 10 (7) rep. in pt. (1.4.1965). Sch. 2 para. (d) ext. ...	33, s. 81 (9). 33, s. 93 (1), sch. 18 Pt. II. 24, s. 8, sch. 2 para. 3.
c. 60	Betting and Gaming Act 1960.	Rep.	2, s. 57 (1), sch. 8. 3, s. 6 (1), sch. 3.
c. 61	Mental Health (Scotland) Act 1960.	Sch. 3 para. 9 (3) (4) am. Sch. 4 rep. in pt. ...	39, s. 52 (1) (3), sch. 5. 30, S.L.R.
c. 62	Caravan Sites and Control of Development Act 1960.	Pt. I expld. (London) ... Ss. 17, 20 expld. (London) (1.4.1965). S. 24 (9) rep. (1.4.1965) ... S. 29 (1) am. so far as defining "local authority". S. 31 rep. (1.4.1965) ...	33, s. 83 (1), sch. 17 para. 21. 33, s. 24 (8) (d). 33, s. 93 (1), sch. 18 Pt. II. 33, s. 83 (1), sch. 17 para. 21. 33, s. 93 (1), sch. 18 Pt. II.
c. 63	Road Traffic and Roads Improvement Act 1960.	Am. (London) (1.4.1965) S. 3 am. (Greater London Council) (1.4.1965). S. 3 (1) rep. (1.4.1965) ... S. 3 (5) added (1.4.1965) S. 4 (1) rep. in pt. (1.4.1965). am. (1.4.1965) ... S. 4 (2) rep. in pt. (1.4.1965). am. (1.4.1965) ... S. 4 (3) am. (1.4.1965) ... S. 5 (1) am. (1.4.1965) ... rep. in pt. (1.4.1965).	33, s. 9 (6). 33, s. 13 (2). 33, ss. 9 (6), 93 (1), sch. 18 Pt. II. 33, ss. 13 (2), 15 (1), sch. 5 Pt. II para. 1. 33, ss. 13 (8) (a), 93 (1), sch. 18 Pt. II. 33, s. 15 (1), sch. 5 Pt. II para. 2 (1). 33, ss. 13 (8) (b), 93 (1), sch. 18 Pt. II. 33, s. 15 (1), sch. 5 Pt. II para. 2 (2). 33, s. 15 (1), sch. 5 Pt. II para. 2 (3). 33, s. 15 (1), sch. 5 Pt. II para. 3 (1) (b). 33, ss. 15 (1), 93 (1), schs. 5 Pt. II para. 3 (2), 18 Pt. II.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
1 & 9 Eliz. 2: c. 63— <i>cont.</i>	Road Traffic and Roads Improvement Act 1960 — <i>cont.</i>	S. 5 (7) am. (1.4.1965) ... rep. in pt. (1.4.1965).	33, s. 15 (1), sch. 5 Pt. II para. 3 (2) (a). 33, ss. 15 (1), 93 (1), schs. 5 Pt. II para. 3 (2), 18 Pt. II.
		S. 8 (1) rep. (1.4.1965) ...	33, s. 93 (1), sch. 18 Pt. II.
		S. 8 (3) am. (1.4.1965) ...	33, s. 15 (1), sch. 5 Pt. II para. 4 (1).
		S. 8 (4) am. (1.4.1965) ...	33, s. 15 (1), sch. 5 Pt. II para. 4 (2).
		S. 8 (5) am. (1.4.1965) ...	33, s. 15 (1), sch. 5 Pt. II para. 4 (3).
		S. 8 (6) am. (1.4.1965) ...	33, s. 15 (1), sch. 5 Pt. II para. 4 (4).
		S. 9 rep. (1.4.1965) ...	33, s. 93 (1), sch. 18 Pt. II.
		S. 10 rep. (1.4.1965) ...	33, ss. 13 (8) (c), 93 (1), sch. 18 Pt. II.
		S. 11 (13) (17) rep. (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.
		S. 14 rep. in pt. (1.4.1965)	33, s. 93 (1), sch. 18 Pt. II.
		S. 15 (4) (d) am. (1.4.1965).	33, s. 15 (1), sch. 5 Pt. II para. 5.
		rep. in pt. (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.
		S. 15 (4) (e) am. (1.4.1965)	33, s. 15 (1), sch. 5 Pt. II para. 5.
		S. 17 rep. (1.4.1965) ...	33, s. 93 (1), sch. 18 Pt. II.
		S. 18 mod. (London) (1.4.1965).	33, s. 14 (1) (3).
		S. 18 (1) am. (1.4.1965)	33, s. 15 (1), sch. 5 Pt. II para. 6 (1) (2).
		S. 18 (2) am. (1.4.1965)	33, s. 15 (1), sch. 5 Pt. II para. 6 (3) (4).
		S. 18 (3) rep. (1.4.1965)	33, s. 93 (1), sch. 18 Pt. II.
		S. 18 (4) rep. (1.4.1965)	33, ss. 14 (1), 93 (1), sch. 18 Pt. II.
		S. 19 restr. (London) (1.4.1965).	33, s. 14 (2).
		S. 19 (1) am. (1.4.1965)	33, s. 15 (1), sch. 5 Pt. II para. 7.
		S. 19 (2) (3) (6) rep. in pt. (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.
		S. 19 (7) rep. (1.4.1965)	33, ss. 14 (2), 93 (1), sch. 18 Pt. II.

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8 & 9 Eliz. 2: c. 63— <i>cont.</i>	Road Traffic and Roads Improvement Act 1960— <i>cont.</i>	S. 19A added (1.4.1965) S. 22 (1) (a) rep. in pt. (1.4.1965). am. (1.4.1965). S. 22 (1) (b) rep. (1.4.1965) S. 23 (2) rep. in pt. (1.4.1965). Sch. rep. in pt. (1.4.1965)	33, s. 15 (1), sch. 5 Pt. II para. 8. 33, s. 93 (1), sch. 18 Pt. II. 33, s. 15 (1), sch. 5 Pt. II para. 9. 33, s. 93 (1), sch. 18 Pt. II. 33, s. 93 (1), sch. 18 Pt. II. 33, s. 93 (1), sch. 18 Pt. II.
c. 66	Professions Supplementary to Medicine Act 1960.	Apptd. days for ss. 5 and 6 (2) (30.6.1963 and 31.12.1963, respectively).	S.I. No. 1044.
c. 67	Public Bodies (Admission to Meetings) Act 1960.	Sch. para. 1 (a) rep. in pt. (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.
c. 68	Noise Abatement Act 1960.	Ext. (mod.) (London) (1.4.1965). S. 1 (6) rep. (1.4.1965) ... S. 2 (5) am. (1.4.1965) ... S. 4 (1) rep. in pt., 4 (2) rep. (both on 1.4.1965).	33, s. 40, sch. 11 Pt. I paras. 1, 2. 33, s. 93 (1), sch. 18 Pt. II. 33, s. 40, sch. 11 Pt. I para. 32. 33, s. 93 (1), sch. 18 Pt. II.
9 & 10 Eliz. 2: c. 4	Expiring Laws Continuance Act 1960.	Rep.	30, S.L.R.
c. 5	National Insurance Act 1960.	S. 1 (1) (2) rep. S. 2 (1) (2) rep. S. 2 (3) rep. in pt. S. 2 (5) rep. Ss. 4, 6 (3), schs. 1 Pts. I, II, III paras. 1-3, 2, 3, 4 para. 2 rep., 5 rep. (saving).	7, s. 8 (4), sch. 5. 7, s. 8 (4), sch. 5. 7, ss. 1 (4), 8 (4), sch. 5. 7, s. 8 (4), sch. 5. 7, s. 8 (4), sch. 5.
c. 11	Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act 1961.	S. 1 (5) expld. (<i>prosp.</i>) am.	35, s. 3 (2), sch. 2 para. 1. 54, s. 4 (4), sch. 2 para. 3. 55, s. 1 (2), sch. 1 para. 3.
c. 15	Post Office Act 1961 ...	S. 1 (4) (b) rep. S. 3 (2) am. (30.7.1964) S. 19 (2) am.	50, s. 23 (3), sch. 3. 50, s. 23 (2). 7, s. 7 (2).
c. 17	Betting Levy Act 1961 ...	Rep. exc. ss. 1 (11), 9, 10 (1) (3).	2, s. 57 (1), sch. 8.
c. 20	Home Safety Act 1961...	S. 1 (4) rep. in pt. (1.4.1965).	33, ss. 83 (1), 93 (1), schs. 17 para. 29 (h), 18 Pt. II.
c. 24	Private Street Works Act 1961.	S. 2 (2) ext. (London) (1.4.1965).	33, s. 16 (2) (b).
c. 27	Carriage by Air Act 1961	S. 5 (2) rep. and superseded (E.). rep. and superseded (S.). S. 11 para. (a) (i) (ii) rep.	47, s. 4 (4) (5). 47, s. 10 (5) (6). 47, s. 10 (5).

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9 & 10 Eliz. 2			
c. 33 ...	Land Compensation Act 1961.	Appl. (mod.) ...	38, s. 67 (2), sch. 8 paras. 12-14.
		Ss. 2, 4 appl. (mod.)	4, s. 4 (3).
		S. 5 appl. (mod.)	38, ss. 46 (5), 47 (10), 112 (9).
		S. 17 mod. (1.4.1965)	38, s. 46 (6).
		Pt. III (ss. 17-22) expld. (London).	33, s. 24 (8) (e).
		S. 39 appl.	33, s. 24 (8) (e).
		Sch. 2 para. 2 (1) (f) added (1.4.1965).	11, s. 22 (4), (6).
		Ss. 42 (4), 46 (7) am. (1.4.1965).	33, s. 21 (4).
	Factories Act 1961	S. 61. Power to mod. (<i>prosp.</i>)	33, s. 83 (1), sch. 17 para. 22.
		S. 123 (1) mod. (<i>prosp.</i>)	41, ss. 25, 74 (2).
		S. 125 (1) mod. (<i>prosp.</i>)	41, s. 74 (1).
		Ss. 125 (2) (j) rep. in pt., 144 rep.	41, s. 75 (1), (3).
		S. 176 (1) rep. in pt.	31, s. 63 (1) (a), sch. 9 Pt. I.
		S. 176 (8) rep. in pt. (1.4.1965).	31, s. 63 (1) (a), sch. 9 Pt. I.
		Ss. 181 (1) (2) rep. in pt., 184 (3) rep., sch. 5 rep. in pt. (both on 1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.
	Finance Act 1961	Ss. 4, 5 (1) (2) rep.	33, s. 93 (1), sch. 18 Pt. II.
		S. 9 am.	3, s. 6 (1), sch. 3.
		S. 15 superseded	25, s. 1 (1).
		S. 16 rep.	25, s. 12 (4).
		S. 20 (1) am.	25, s. 73 (8) (b), sch. 14 Pt. II.
		rep. in pt.	25, s. 73 (7) (a), sch. 12 para. 19 (1) (2).
		S. 23 (2)-(6) rep. and superseded.	25, s. 73 (7) (a) (b), schs. 12 para. 19 (1) (2) 13 Pt. I.
		S. 25 am.	25, ss. 41, 73 (8) (b), sch. 14 Pt. II.
		S. 25 am. expld.	25, s. 41 (8).
		S. 26 (2) (3) rep.	25, s. 41 (9).
		S. 34 (2) rep.	25, ss. 41 (10), 73 (8) (b), sch. 14 Pt. II.
		Sch. 3 para. 2 (2) mod....	25, s. 73 (8) (b), sch. 14 Pt. IV.
	Criminal Justice Act 1961.	Apptd. day for ss. 7, 25, 34, 41 (4), schs. 4 in pt., 5 in pt., 6 (1.8.1963).	25, s. 1 (2).
		S. 10 (1) rep.	S.I. No. 755.
		Ss. 15-17 ext.	37, s. 64 (3), sch. 5.
		Pt. III (ss. 26-33) mod. (<i>prosp.</i>)	37, ss. 11 (2), (4).
			39, s. 14, sch. 1.

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9 & 10 Eliz. 2: c. 39— <i>cont.</i>	Criminal Justice Act 1961— <i>cont.</i>	S. 29 (1) (2) am., 29 (3) added. S. 32 (2) (b) am. and rep. in pt. (<i>prosp.</i>), 34 (6), 38 (5) (a) am. (<i>prosp.</i>), 39 (1) (bb) added (<i>saving</i>) (<i>prosp.</i>). Sch. 3 paras. 5–10 appl. (mod.) (E. and N.I.) (<i>prosp.</i>). Sch. 4 rep. in pt. ...	37, s. 64 (1), sch. 3 para. 50. 39, s. 52 (1) (3), sch. 5. 39, s. 14, sch. 1 para. 11. 37, s. 64 (3), sch. 5. 30, S.L.R. 39, s. 52 (2) (3), sch. 6. 39, s. 52 (2) (3), sch. 6.
c. 40 ...	Consumer Protection Act 1961.	rep. in pt. (saving) Sch. 5 rep. in pt. (saving) Sch. 6 rep. in pt. ... S. 6 (3) (b) am. (1.4.1965) rep in pt. (1.4.1965). Sch. expld. (London) ("local authority") (1.4.1965). Sch. para. 7 am. (1.4.1965). rep. in pt. (1.4.1965).	30, S.L.R. 39, s. 52 (2) (3), sch. 6. 39, s. 52 (2) (3), sch. 6. 30, S.L.R. 33, s. 83 (1), sch. 17 para. 23. 33, s. 93 (1), sch. 18 Pt. II. 33, s. 62 (1) (f). 33, s. 83 (1), sch. 17 para. 23. 33, s. 93 (1), sch. 18 Pt. II.
c. 45 ...	Rating and Valuation Act 1961.	S. 6 appl. ... S. 13 (2) am. (1.4.1965)... S. 15 (1) rep. in pt. (1.4.1965). S. 18 (2) (d) am. (1.4.1965) S. 22 (3) excl. in pt. (London) (1.4.1965). expld. ... S. 24 (4) am. (1.4.1965)... S. 28 (2) rep. (1.4.1965)... Sch. 1 am. ... Sch. 4 para. 15 rep. (1.4.1965).	25, s. 20 (5), sch. 5 para. 2. 33, s. 63 (2), sch. 15 Pt. III para. 22. 33, s. 93 (1), sch. 18 Pt. II. 33, s. 63 (2), sch. 15 Pt. III para. 23. 33, s. 63 (2), sch. 15 Pt. III para. 24. 38, s. 122. 33, s. 63 (2), sch. 15 Pt. III para. 25. 33, s. 93 (1), sch. 18 Pt. II. S.I. No. 1361. 33, s. 93 (1), sch. 18 Pt. II.
c. 48 ...	Land Drainage Act 1961	Expld. (London) (1.4.1965). S. 3 (3) rep. in pt. (<i>prosp.</i>) 3 (4) rep. (<i>prosp.</i>). S. 3 (5) (6) am. (<i>prosp.</i>)... S. 7 (1) (2) (4) am. ...	33, s. 62 (2), sch. 14 paras. 1, 3. 38, s. 136 (2), sch. 14 Pt. I. 38, s. 136 (1), sch. 13 para. 12. 25, s. 73 (7) (a), sch. 12 para. 24.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
1959 & 10 Eliz. 2: c. 48—cont.	Land Drainage Act 1961—cont.	<p>S. 7 (6) am.</p> <p>rep. in pt.</p> <p>S. 14 (4) rep. in pt.</p> <p>S. 14 (6) am., 14 (7) added</p> <p>S. 15 rep. (<i>prosp.</i>)</p> <p>S. 17 expld. (London) (1.4.1965).</p> <p>S. 23 (4) (b) am.</p> <p>rep. in pt.</p> <p>S. 23 (6) am.</p> <p>S. 28 expld. (London) (1.4.1965).</p> <p>S. 31 (2) excl. (London) (1.4.1965).</p> <p>S. 33 rep. (<i>prosp.</i>)</p> <p>S. 34 expld. (London) (1.4.1965).</p> <p>S. 40 (1) am. (<i>prosp.</i>)</p> <p>Ss. 42 rep. (<i>prosp.</i>), 43 rep. in pt. (<i>prosp.</i>), sch. 1 Pt. II rep. (<i>prosp.</i>).</p>	<p>25, s. 73 (7) (a), sch. 12 para. 24.</p> <p>25, s. 73 (7) (c), sch. 13 Pt. IV.</p> <p>25, s. 73 (7) (a), (c), schs. 12 para. 24, 13 Pt. IV.</p> <p>25, s. 73 (7) (a), sch. 12 para. 24.</p> <p>25, s. 136 (2), sch. 14 Pt. I.</p> <p>33, s. 62 (2), sch. 14 para. 4.</p> <p>25, s. 73 (7) (a), sch. 12 para. 24.</p> <p>25, s. 73 (7) (c), sch. 13 Pt. IV.</p> <p>25, s. 73 (7) (a), sch. 12 para. 24.</p> <p>33, s. 62 (2), sch. 14 para. 2.</p> <p>33, s. 35, sch. 9 Pt. III para. 1 (3).</p> <p>38, s. 136 (2), sch. 14 Pt. I.</p> <p>33, s. 62 (2), sch. 14 para. 2.</p> <p>38, s. 136 (1), sch. 13 para. 13.</p> <p>38, s. 136 (2), sch. 14 Pt. I.</p>
c. 50	Rivers (Prevention of Pollution) Act 1961.	<p>Apptd. day for s.1 (1.6.1963).</p> <p>S. 3 (2) rep. (<i>prosp.</i>)</p> <p>S. 3 (3) am. (<i>prosp.</i>)</p> <p>S. 9 (5) rep. (<i>prosp.</i>)</p> <p>S. 10 (2) am. (<i>prosp.</i>)</p> <p>S. 10 (6) rep. (<i>prosp.</i>)</p>	<p>S.I. No. 320.</p> <p>38, s. 136 (2), sch. 14 Pt. I.</p> <p>38, s. 136 (1), sch. 13 para. 14.</p> <p>38, s. 136 (2), sch. 14 Pt. I.</p> <p>38, s. 136 (1), sch. 13 para. 15.</p> <p>38, s. 136 (2), sch. 14 Pt. I.</p>
c. 52	Army and Air Force Act 1961.	S. 1 restr. (<i>prosp.</i>)	<p>35, s. 3 (2), sch. 2 para. 3.</p> <p>54, s. 4 (3).</p>

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
9 & 10 Eliz. 2 — <i>cont.</i> c. 61	Licensing Act 1961 ...	S. 3 (10) (c) (d) am. ... S. 8 (1) (a) subst. (1.4.1965). S. 37 (4) (b) rep. in pt. (1.4.1965). Sch. 4 para. 2 (5) (a) am. (1.4.1965).	2, s. 56 (3). 33, s. 33 (1), sch. 17 para. 24. 33, s. 93 (1), sch. 18 Pt. II. 33, s. 63 (2), sch. 15 Pt. III para. 26.
c. 62	Trustee Investments Act 1961.	Ss. 1-6 appl. (mod.) (London). S. 1 appl. ... Ss. 2, 5 appl. ... S. 6 appl. ... S. 6 (2) (3) expld. ... S. 7 (2) appl. ... S. 11 (1) rep. in pt. (1.4.1965). S. 11 (4) (a) am. (1.4.1965). rep. in pt. (1.4.1965). Ss. 12, 13 appl. ... Sch. 1 Pt. II para. 9 ext. Sch. 1 Pt. IV para. 4 am. (1.4.1965). rep. in pt. (1.4.1965).	33, s. 2 (4), sch. 2 para. 30 (5). 38, s. 86 (2). C.A.M. No. 2, s. 21 (1). 38, s. 86 (2). 38, s. 86 (2). C.A.M. No. 2, s. 21 (5). 38, s. 86 (2). 33, s. 93 (1), sch. 18 Pt. II. 33, s. 83 (1), sch. 17 para. 25 (a). 38, s. 136 (1), sch. 13 para. 16. 33, s. 93 (1), sch. 18 Pt. II. 38, s. 86 (2). 38, s. 6 (6), sch. 4 para. 33. 33, s. 83 (1), sch. 17 para. 25 (b). 33, s. 93 (1), sch. 18 Pt. II.
c. 63	Highways (Miscellaneous Provisions) Act 1961.	Ss. 1 (4), 17 (3) rep. in pt. (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.
c. 64	Public Health Act 1961	Ext. (mod.) (London) (1.4.1965). S. 1 (3) rep. in pt. (1.4.1965). S. 2 (3) am. (1.4.1965) ... S. 3 rep. in pt. (1.4.1965) Ss. 4-11 excl. (London) (1.4.1965). Ss. 12-15 mod. (London) (1.4.1965). S. 20 expld. (London) (1.4.1965). Ss. 24-31, 33 excl. (London) (1.4.1965). Ss. 43, 44 expld. (London) (1.4.1965). S. 45 expld. (London) ... Ss. 52-54 expld. (London) (1.4.1965). Pt. V (ss. 55-71) mod. (London) (1.4.1965). S. 71 rep. (1.4.1965) ...	33, s. 40, sch. 11 Pt. I. 33, s. 93 (1), sch. 18 Pt. II. 33, s. 40, sch. 11 Pt. I para. 33. 33, s. 93 (1), sch. 18 Pt. II. 33, s. 40, sch. 11 Pt. I para. 34. 33, s. 37, sch. 9 Pts. I, II. 33, s. 40, sch. 11 Pt. I para. 35. 33, s. 40, sch. 11 Pt. I para. 36. 33, s. 40, sch. 11 Pt. I para. 37. 33, s. 40, sch. 11 Pt. I para. 38. 33, s. 58 (1). 33, s. 38 (1), sch. 10. 33, s. 93 (1), sch. 18 Pt. II.

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10 Eliz. 2: c. 64— <i>cont.</i>	Public Health Act 1961— <i>cont.</i>	S. 73 expld. (London) (1.4.1965). S. 79 (2) rep. (1.4.1965) S. 81 am. (1.4.1965) ...	33, s. 40, sch. 11 Pt. I para. 39. 33, s. 93 (1), sch. 18 Pt. II. 33, s. 40, sch. 11 Pt. I para. 40.
c. 65 ...	Housing Act 1961 ...	S. 82 saved (London) (1.4.1965). Sch. 1 rep. in pt. (1.4.1965). Sch. 2 mod. (London) (1.4.1965). S. 4 mod. (London) (1.4.1965). Ss. 16 (2) rep. in pt. (1.4.1965), 23 (8) rep. (1.4.1965). Sch. 1 mod. (London) (1.4.1965). Sch. 1 para. 1 (2) (5) am. (1.4.1965).	33, s. 87 (7) proviso (b). 33, s. 93 (1), sch. 18 Pt. II. 33, s. 37, sch. 9 Pts. I, II. 33, s. 21 (12), sch. 8 para. 17 (1). 33, s. 93 (1), sch. 18 Pt. II. 33, s. 21 (12), sch. 8 para. 17 (1). 33, s. 21 (12), sch. 8 para. 17 (2).
11 Eliz. 2: c. 1 ...	Tanganyika Independence Act 1961.	S. 4 (3) rep. ...	54, s. 5 (2).
c. 4 ...	Expiring Laws Continuance Act 1961.	Rep. ...	30, S.L.R.
c. 6 ...	Family Allowances and National Insurance Act 1961.	S. 1 (1) rep. ... S. 1 (2) (a) subst. ... S. 1 (2) (b) am. ... S. 1 (3) rep. ... S. 7 (1) (4) rep. ... Sch. 1 para. 1 (d) am. ... Sch. 3 paras. 1, 2 rep. ...	7, s. 8 (4), sch. 5. 7, s. 5 (2) (a). 7, s. 5 (2) (b). 7, s. 8 (4), sch. 5. 7, s. 8 (4), sch. 5. 7, s. 5 (2) (b). 7, s. 8 (4), sch. 5. S.I. No. 458.
c. 8 ...	Civil Aviation (Euro-control) Act 1962.	Apptd. day for whole Act except s. 10 (16.3.1963).	S.I. No. 458.
c. 9 ...	Local Government (Financial Provisions, etc.) (Scotland) Act 1962.	S. 1 mod. ...	12, s. 7 (5), sch. 1 para. 1.
c. 12 ...	Education Act 1962 ...	Ext. (London) ("local education authority"). Sch. 1 ext. (London) ...	33, s. 30 (1). 33, s. 33 (2).
c. 13 ...	Vehicles (Excise) Act 1962	Excl. ... S. 8 am. ... S. 24 (1) am. (1.4.1965)	9, s. 33 (3). 9, s. 28 (3). 33, s. 20 (1).
c. 15 ...	Criminal Justice Administration Act 1962.	Apptd. day for ss. 15, 16, 18 and for sch. 5 Pt. II so far as not already in operation (i.e., for remainder of Act) (1.4.1965). S. 4 (7) am. ...	S.I. No. 416. 37, s. 64 (1), sch. 3 para. 51.
c. 18 ...	British Museum Act 1962	Rep. ...	24, s. 13 (5), sch. 4.
c. 21 ...	Commonwealth Immigrants Act 1962.	Pt. I and sch. 1 cont. until 31.12.1964.	58, s. 1 (1).
c. 28 ...	Housing (Scotland) Act 1962.	S. 24 appl. ...	51, s. 17, sch. 2 para. 1 (5).

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
10 & 11 Eliz. 2 — <i>cont.</i>			
c. 30	Northern Ireland Act 1962.	S. 16 (2) mod.	9, s. 30 (4).
c. 31	Sea Fish Industry Act 1962.	S. 14 (1) (b) am. (<i>prosp.</i>)	38, s. 136 (1), sch. 13 para. 17.
c. 36	Local Authorities (Historic Buildings) Act 1962.	S. 1 (4) rep. in pt. (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.
c. 37	Building Societies Act 1962.	Sch. 3 para. 9 (1) am. ...	S.I. No. 833.
c. 38	Town and Country Planning Act 1962.	S. 2 ext. (1.4.1965) ... S. 4 (1) excl. (Greater London) (1.4.1965). S. 4 (2) appl. (mod.) (Greater London) (1.4.1965). S. 4 (3) (4) appl. (mod.) (Greater London) (1.4.1965). S. 4 (5) excl. (Greater London) (1.4.1965). S. 5 appl. (mod.) (Greater London) (1.4.1965). S. 6 (1) (2) excl. (Greater London) (1.4.1965). S. 6 (3) (4) appl. (mod.) (Greater London) (1.4.1965). S. 7 appl. (mod.) (Greater London) (1.4.1965). S. 8 expld. (London) (1.4.1965). S. 10 (2) (3) appl. (mod.) (Greater London) (1.4.1965). S. 10 (4) excl. (Greater London) (1.4.1965). Ss. 10 (5), 11 appl. (mod.) (Greater London) (1.4.1965). S. 19 (2) saved (London) (1.4.1965). S. 30 ext. (London) (1.4.1965). S. 33 (3) am. (London) (1.4.1965). S. 41 saved (London) S. 42 (1) ext. (London) (1.4.1965). Ss. 52-55 expld. (London) (1.4.1965). S. 62 ext. (London) (1.4.1965). S. 66 ext. (London) (1.4.1965). S. 68 (1) mod. (London) (1.4.1965). S. 69 ext. (London) (1.4.1965). S. 71 mod. (London) (1.4.1965).	33, s. 24 (3). 33, s. 25 (1). 33, s. 27 (5). 33, s. 27 (5) (7). 33, s. 25 (1). 33, s. 27 (5). 33, s. 25 (1). 33, s. 27 (5). 33, s. 27 (5) (7). 33, s. 29 (6). 33, s. 27 (5) (7). 33, s. 27 (6). 33, s. 27 (5) (7). 33, s. 24 (6). 33, s. 28 (2). 33, s. 28 (3). 38, s. 71 (4). 33, s. 24 (4). 33, s. 28 (2). 33, s. 28 (2). 33, s. 24 (4). 33, s. 29 (1). 33, s. 28 (2). 33, s. 29 (1).

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
10 & 11 Eliz 2: c. 38— <i>cont.</i>	Town and Country Planning Act 1962— <i>cont.</i>	S. 71 (2) rep. in pt. ... S. 73 (5) rep. in pt. ... S. 74 mod. (London) (1.4.1965). S. 75 (7) mod. (London) (1.4.1965). Ss. 77 (2) rep. in pt., 78 (2) (8) rep. in pt. (1.4.1965). S. 86 (5) expld. (London) (1.4.1965). S. 101 (5) excl. (London) (1.4.1965). S. 112 (4) (5) mod. (London) (1.4.1965). Ss. 113, 114 ext. ... S. 123 (2) (3) am. ... S. 125 ext. (London) (1.4.1965). S. 129 am. ... S. 129 (1) mod. (London) (1.4.1965). Ss. 135 (1), 136 (1) mod. (London) (1.4.1965). S. 154 (7) am. (1.4.1965) Ss. 178 (1) (2), 179, 189 (2) expld. (London) (1.4.1965). S. 199 expld. (London) (1.4.1965). S. 199 (6) appl. ... S. 202 rep. (1.4.1965) ... S. 207 (5) mod. (London) (1.4.1965). Ss. 211 (1) (a), 217 (2) expld. (London) (1.4.1965). S. 221 (1) rep. in pt. ... am. (1.4.1965) ext. (London) Sch. 3 expld. ... Sch. 3 paras. 1, 3 am. ... Sch. 3 para. 3 mod. ... Sch. 3 para. 7 excl. ... Sch. 9 rep. (1.4.1965) ... Sch. 11 para. 3 rep. (1.4.1965). Sch. 11 para. 6 (1) am. (1.4.1965).	29, s. 8, sch. 29, s. 8, sch. 33, s. 29 (1). 33, s. 29 (1). 29, s. 8, sch. 33, s. 29 (6). 33, s. 25 (5). 33, s. 29 (1). 17, s. 1 (3). 17, s. 1 (1). 33, s. 28 (2). 17, s. 1 (1). 33, s. 29 (1). 33, s. 29 (1). 33, s. 29 (4). 33, s. 29 (6). 33, s. 29 (6). 38, s. 123 (5). 33, s. 93 (1), sch. 18 Pt. II. 33, s. 29 (1) (2). 33, s. 29 (6). 29, s. 8, sch. 33, s. 29 (5). 38, s. 71 (5). 17, s. 1 (4). 17, s. 1 (1). 17, s. 1 (2). 17, s. 1 (2). 33, s. 93 (1), sch. 18 Pt. II. 33, s. 93 (1), sch. 18 Pt. II. 33, s. 29 (7).
c. 44 ...	Finance Act 1962 ...	S. 1 (2) (d) rep. ... S. 1 (3) rep. ... S. 1 (4) (d) rep. ... S. 2 (1) (b) rep. in pt. ... am. ... S. 2 (1) (c) am. ... S. 6 rep. ... S. 8 (1) superseded in pt. S. 8 (2) superseded in pt.	3, s. 6 (1), sch. 3. 25, s. 73 (8)(a), sch. 14 Pt. I. 3, s. 6 (1), sch. 3. 25, s. 73 (8) (a), sch. 14 Pt. I. 25, s. 3, sch. 1. 25, s. 3, sch. 1. 9, s. 41 (1), sch. 4. 25, s. 12 (6). 25, s. 12 (7).

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10 & 11 Eliz. 2: c. 44— <i>cont.</i>	Finance Act 1962— <i>cont.</i>	S. 27 (1) rep. S. 27 (2) rep. S. 28 (4) (c) rep. S. 30 expld. S. 34 (2) rep. in pt. Schs. 1 table I am., 2 am. 4 table I am. Sch. 8 rep. Sch. 9 para. 17 (3) am.... Sch. 9 para. 20 appl.	25, s. 73 (8) (b), sch. 14 Pt. III. 25, s. 73 (8) (b), sch. 14 Pt. VI. 25, s. 73 (7) (b), sch. 13 Pt. III. 25, s. 65 (2). 9, s. 41 (1), sch. 4. 25, s. 3, sch. 1. 9, s. 41 (1), sch. 4. 25, s. 73 (7) (a), sch. 12 para. 20. 25, ss. 32 (1), 47 (3).
c. 46	Transport Act 1962	S. 46 (8) rep. in pt. (1.4.1965). S. 46 (8) (a) am. (1.4.1965) S. 63 rep. (E.) (<i>prosp.</i>) S. 80 (6). Dissolution of British Transport Commission further postponed until 1.1.1964 S. 86 (4) expld. (London) (1.4.1965). S. 87 expld. (London) (1.4.1965). S. 92 (1) am. (1.4.1965)... ..	33, s. 93 (1), sch. 18 Pt. II. 33, s. 83 (1), sch. 17 para. 26 (a). 38, s. 136 (2), sch. 14 Pt. II. S.I. No. 1554. 33, s. 24 (8) (b). 33, s. 83, sch. 17 para. 26 (b). 33, s. 83, sch. 17 para. 26 (c).
c. 47	Education (Scotland) Act 1962.	S. 83 am. (<i>retrosp.</i>) S. 107 (2) am. Sch. 3 para. 7 am. Sch. 3 para. 20 am. Rep.	21, s. 2. 21, s. 3 (2). 21, s. 3 (2). 21, s. 3 (1). 2, s. 57 (1), sch. 8.
c. 55	Lotteries and Gaming Act 1962.	Rep.	2, s. 57 (1), sch. 8.
c. 56	Local Government (Records) Act 1962.	S. 2 (5) rep. in pt. (1.4.1965). S. 2 (6) am. (1.4.1965) rep. in pt. (1.4.1965). S. 3 rep. in pt. (1.4.1965) S. 8 (1) am. (1.4.1965)	33, s. 93 (1), sch. 18 Pt. II. 33, s. 83 (1), sch. 17 para. 27 (a). 33, s. 93 (1), sch. 18 Pt. II. 33, s. 93 (1), sch. 18 Pt. II. 33, s. 83 (1), sch. 17 para. 27 (b). 54, s. 5 (2).
c. 57	Uganda Independence Act 1962.	S. 4 rep.	54, s. 5 (2).
c. 58	Pipe-lines Act 1962	S. 37 (4) am. (E.) (<i>prosp.</i>) S. 49 appl. Sch. 1 expld. (London) (1.4.1965).	38, s. 136 (1), sch. 13 para. 18. 25, s. 9 (4), (8). 33, s. 24 (8) (a).

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1963 Act or number of Measure or Statutory Instrument
10 & 11 Eliz. 2 —cont. c. 59	Road Traffic Act 1962 ...	Apptd. day for ss. 5-9, 38-40, schs. 1, 3, schs. 4 in pt. and 5 in pt. (29.5.1963).	S.I. No. 828.
		Apptd. day for sch. 4 so far as amending ss. 36 (1) and 66 (9) of, and adding s. 66 (9A) to, the Road Traffic Act 1960 (c. 16) (1.4.1963).	S.I. No. 539.
		Apptd. day for sch. 4 so far as amending the Road Traffic (Driving of Motor Cycles) Act 1960 (c. 69) (1.7.1965).	S.I. No. 1028.
		Am. (London) (1.4.1965)	33, s. 9 (6).
		S. 8 (1) am. (1.4.1965) ...	33, s. 83 (1), sch. 17 para. 27 (b).
		S. 10 rep. in pt. (1.4.1965)	33, s. 93 (1), sch. 18 Pt. II.
		S. 11 (1) am. (1.4.1965)...	33, s. 10 (8).
		S. 11 (2) (a) rep. in pt. (1.4.1965).	33, ss. 15 (1), 93 (1), schs. 5 Pt. III para. 1 (1), 18 Pt. II.
		S. 11 (2) (aa) added (1.4.1965).	33, s. 15 (1), sch. 5 Pt. III para. 1 (2).
		S. 11 (3) am. (1.4.1965)...	33, s. 15 (1), sch. 5 Pt. III para. 1 (3).
		S. 11 (4) (a) am. (1.4.1965).	33, s. 15 (1), sch. 5 Pt. III para. 1 (4).
		S. 11 (4) (b) subst. (1.4.1965).	33, s. 15 (1), sch. 5 Pt. III para. 1 (5).
		S. 12 (1) rep. (1.4.1965)...	33, s. 93 (1), sch. 18 Pt. II.
		S. 26 am. (1.4.1965) ...	33, ss. 10 (2), 15 (1), sch. 5 Pt. III para. 2.
		S. 27 rep. (1.4.1965) ...	33, s. 93 (1), sch. 18 Pt. II.
		S. 28 am. (London) (1.4.1965).	33, ss. 11, 12.
		S. 28 (1) a.m (1.4.1965)...	33, s. 15 (1), sch. 5 Pt. III para. 3 (1).
		S. 28 (2) subst. (1.4.1965)	33, s. 15 (1), sch. 5 Pt. III para. 3 (2).
		S. 28 (3) (b) am. (1.4.1965).	33, s. 15 (1), sch. 5 Pt. III para. 3 (3).
		S. 28 (6) rep. in pt. (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.
		S. 28 (9) am. (1.4.1965)...	33, s. 15 (1), sch. 5 Pt. III para. 3 (4).

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10 & 11 Eliz. 2: c. 59— <i>cont.</i>	Road Traffic Act 1962 — <i>cont.</i>	S. 28 (11) (b) am. (1.4.1965). S. 32 (4) rep. in pt. (1.4.1965). S. 34 (1) subst. (1.4.1965). S. 34 (5) am. (1.4.1965)... S. 35 am. (1.4.1965) ... S. 39 rep. (saving) ... Sch. 4 Pt. II rep. in pt. (1.4.1965). Appl. (<i>prosp.</i>)	33, s. 15 (1), sch. 5 Pt. III para. 3 (5). 33, s. 93 (1), sch. 18 Pt. II. 33, s. 15 (1), sch. 5 Pt. III para. 4 (1). 33, s. 15 (1), sch. 5 Pt. III para. 4 (2). 33, s. 15 (1), sch. 5 Pt. III para. 5. 39, s. 52 (2) (3), sch. 6. 33, s. 93 (1), sch. 18 Pt. II. C.A.M. No. 1. s. 63.
C.A.M. No. 1 ...	Ecclesiastical Fees Measure 1962.		
11 & 12 Eliz. 2: c. 7	Electricity (Borrowing Powers) (Scotland) Act 1962.	Rep.	59, s. 4 (2), sch. 2
1963: c. 2	Betting, Gaming and Lotteries Act 1963.	Ss. 6 (3), 15 (1) (a) expld. (London) (1.4.1965). Sch. 1 para. 2 am. (1.4.1965). Sch. 2 para. 1 (1) (a) am. (1.4.1965). Sch. 3 expld. (London) (1.4.1965). Sch. 3 paras. 1, 5, 6 am. (1.4.1965). Sch. 3 para. 14 ext. (dog racing). Sch. 3 para. 14 (3) expld. (London) (1.4.1965). Sch. 3 para. 15 (4): power to excl. (London) (1.4.1965). Sch. 6 para. 9 (a) am. (1.4.1965). Sch. 7 para. 1 (2) (a) am. (1.4.1965).	33, s. 53 (3). 33, s. 83 (1), sch. 17 para. 28 (c). 33, s. 83 (1), sch. 17 para. 28 (a). 33, s. 53 (1). 33, s. 83 (1), sch. 17 para. 28 (b). 42, s. 1. 33, s. 53 (3). 33, s. 53 (2). 33, s. 83 (1), sch. 17 para. 28 (c). 33, s. 83 (1), sch. 17 para. 28 (c).
c. 7	National Insurance Act 1963.	Apptd. days fixed for certain provisions.	S.I. No. 393.
c. 9	Purchase Tax Act 1963...	Sch. 1 Pt. I group 1 am. ... group 12 am. ... group 33 am. ...	S.I. No. 1208. S.I. No. 1528. S.I. No. 1433.
c. 10	Drainage Rates Act 1963	S. 1 (3) rep. in pt., 1 (4) rep.	25, s. 73 (7) (c). sch. 13 Pt. IV.
c. 11	Agriculture (Miscellaneous Provisions) Act 1963.	S. 22 rep. (S.) S. 24 (5). Apptd. day (15.11.1963).	51, s. 47 (3), sch. 4. S.I. No. 1373.

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1963—cont.			
c. 13 ...	Nursing Homes Act 1963	Ss. 1 (1), (2), (5) rep. in pt. (1.4.1965), 2 rep. (1.4.1965).	33, s. 93 (1), sch. 18 Pt. II.
c. 18 ...	Stock Transfer Act 1963	Apptd. day for whole Act except s. 5 (3) (26.10.1963).	S.I. No. 1592.
c. 24 ...	British Museum Act 1963	Apptd. day for whole Act (30.9.1963).	S.I. No. 1546.
c. 25 ...	Finance Act 1963 ...	S. 70 rep. ... Sch. 1 rep. in pt. (1.9.1963).	59, s. 4 (2), sch. 2, 25, s. 73 (8) (a), sch. 14 Pt. I.
c. 31 ...	Weights and Measures Act 1963.	Sch. 1. Power to am. ... Sch. 1 Pt. IV para. 2 expires (31.1.1969). Sch. 1 Pt. IV para 3 rep. (<i>prosp.</i>). Sch. 1 Pt. V para. 3 expires (31.1.1969). Sch. 1 Pt. V para. 4 rep. (<i>prosp.</i>). Sch. 3. Power to am. ... Sch. 3 Pt. IV para. 2 expires (31.1.1969). Sch. 3 Pt. IV para. 3 rep. (<i>prosp.</i>). Sch. 3 Pt. V para. 3 rep. (<i>prosp.</i>). Sch. 3 Pt. V para. 4 expires (31.1.1969).	31, s. 10 (10). 31, s. 10 (8). 31, s. 10 (8). 31, s. 10 (9). 31, s. 10 (8). 31, s. 10 (8). 31, s. 10 (9). 31, s. 10 (9). 31, s. 10 (10). 31, s. 10 (8). 31, s. 10 (9). 31, s. 10 (9). 31, s. 10 (8).
c. 37 ...	Children and Young Persons Act 1963.	Apptd. day for ss. 1, 14, 15, 45-49, 54-56, 58-63, 64 (1), (3), 65, sch. 3 paras. 1-3, 38-43, 45, sch. 5 so far as repealing ss. 1 (1) in pt., 3 (1) in pt., 4 (1) in pt. and 87 (5) of the Children and Young Persons Act 1933 (c. 12), and s. 10 (1) of the Children Act 1948 (c. 43) (1.10.1963). S. 24 (1) am. ... S. 38 (1) am. (E.) (S.). Expld. (London) (1.4.1965)	31, s. 10 (9). 31, s. 10 (8). 31, s. 10 (9). 31, s. 10 (9). 31, s. 10 (10). 31, s. 10 (8). 31, s. 10 (9). 31, s. 10 (9). 31, s. 10 (8). 31, s. 10 (8). 31, s. 10 (9). 31, s. 10 (8). S.I. No. 1561.
c. 38 ...	Water Resources Act 1963.	S. 24 (1) am. ... S. 38 (1) am. (E.) (S.). Expld. (London) (1.4.1965)	37, s. 24 (2). 37, s. 38 (2). 33, s. 62 (2), sch. 14 para. 10.
c. 39 ...	Criminal Justice (Scotland) Act 1963.	Apptd. day for ss. 3, 4, 6, 7, 16-22, 27-42, 44-51, 52 in pt., 53 in pt., 54, schs. 2, 4, 5 in pt., 6 in pt. (1.11.1963).	S.I. No. 1681.
c. 41 ...	Offices, Shops and Railway Premises Act 1963.	Ss. 9 (6), 24 (9) rep. in pt. (1.4.1965). Ss. 41 (1) (3), 52 (3) (a), (5) am. (1.4.1965). S. 77 rep. (1.4.1965) ...	33, s. 93 (1), sch. 18 Pt. II. 33, s. 51 (2). 33, s. 93 (1), sch. 18 Pt. II.
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